

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

July 17, 2013

Mayor Matti Herrera Bower  
Vice-Mayor Edward L. Tobin  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 9:58:35 a.m.

The continuation of the Commission Meeting, which occurred on July 19, 2013, was called to order at 1:10:46 p.m.

Inspirational Message given by Dr. Abdul Hamid Samra, Imam of the Miami Gardens Masjid.

Pledge of Allegiance led by Fausto Gomez.

Requests for Additions, Withdrawals and Deferrals announced by the City Clerk.

The City Commission will recess for lunch at approximately 1:00 p.m.

**ADDENDUM AGENDA 1:**

C4M R9T

**ADDENDUM AGENDA 4:**

R7R R7S

**ADDENDUM AGENDA 2:**

R7N R9U R10C

**ADDENDUM AGENDA 5:**

R7T1 &amp; R7T2

**ADDENDUM AGENDA 3:**C4N C4O C4P  
C4Q C4R R7O1 & R7O2  
R7P R7Q R9V R9W**ADDENDUM AGENDA 6:**

R9X

**SUPPLEMENTAL AGENDA 1:**C7M – Resolution  
C7AA – Resolution  
R7B – ResolutionR7A – Resolution  
R7I – Memorandum & Resolution  
R7L - Memorandum & Resolution**SUPPLEMENTAL AGENDA 2:**C2I – Memorandum  
C4F – Proposed OrdinanceC7GG – Memorandum (formerly Item C2D)  
R5F – Memorandum & Ordinance**SUPPLEMENTAL AGENDA 3:**C2A – Memorandum  
C7E – Memorandum & Resolution  
C7U – Resolutions  
R5A – Estimates from Miami-Dade County ElectionsC2J – Revised Memorandum  
C7S – Memorandum and Agreement  
C7GG – Resolution (Formerly from C2D)**SUPPLEMENTAL AGENDA 4:**

R7D – Appraisal Report

R7F – Alternative Language from Mayor Bower

**SUPPLEMENTAL AGENDA 5:**C7K – Memorandum  
R5I – MemorandumR5H – Memorandum  
R7K – Memorandum**SUPPLEMENTAL AGENDA 6:**

R7R R7S

**ADDENDUM:****12:04:56 p.m.****VOTE ON ADDENDUM NUMBER 1-3:**

Modified motion made by Commissioner Góngora to add Addendum Agendas 1-3, items C4M, C4N, C4O, C4P, C4Q, C4R, R7N, R7O, R7P, R7Q, R9T, R9U, R9V, R9W and R10C as emergency items; seconded by Commissioner Weithorn; Voice vote: 6-1; Opposed: Commissioner Wolfson.

**VOTE ON ADDENDUM NUMBER 4:**

Motion made by Commissioner Góngora to add Addendum Agenda 4 Items R7D and R7F; seconded by Commissioner Exposito; Voice vote: 4-2; Opposed Vice-Mayor Tobin and Commissioner Wolfson; Absent: Commissioner Libbin.

**DISCUSSION ON ADDENDUMS:**

Vice-Mayor Tobin stated that they are adding labor agreements at the last minute, and he thinks the public is entitled to have notice. He asked what the emergency is.

Mayor Bower stated that there are too many emergency items at the last minute and suggested not voting on some of the items. Discussion held.

Commissioner Wolfson asked if Item R7O was properly noticed and believes that it is late to be placed on the Commission Agenda. He objects to putting it on the agenda.

Commissioner Góngora modified the motion to add addendum items only 1, 2 and 3, which were delivered on July 16, 2013. Discussion continued.

Motion made by Commissioner Góngora to add Addendum Agenda 4; seconded by Commissioner Exposito; Voice vote: 4-2; Opposed Vice-Mayor Tobin and Commissioner Wolfson; Absent: Commissioner Libbin.

Vice-Mayor Tobin stated that it is bad policy to add pension items at the last minute; these are two significant pension items, affecting the pension fund, and to vote on it without prior notice is bad public policy. The elected officials are under a lot of pressure from the Unions, and the public needs to have the opportunity to be noticed about what they do concerning pensions. He does not understand the rush to include it in this agenda.

Commissioner Weithorn stated that these items are here because if they are going to recognize savings, and they decide to do it as a majority of the Commission, it needs to be done by September; if they are going to set the millage today and make assumptions, they should have the option to at least discuss the contracts. If they want to set a special meeting in September, she is agreeable with that, but for them not to discuss it at least today, it does not leave room for what they should do for residents and maximizing savings this budget year.

Commissioner Wolfson agreed with his colleagues, but requested that the items be added as discussion items only and not for decision-making.

Mayor Bower stated that she does not understand why this item was not added to the Agenda earlier. Jimmy L. Morales, City Manager, explained that they have had ongoing negotiations and the item was not ready. He explained that staff worked late hours and they did not get the actuarial report until late. Mayor Bower still wanted to know why the item was not advertised to the public. She requested that from now on, attention be paid to noticing items. She thinks there are too many addendums, and added that the agenda should be set with what they are going to discuss. She requested those items that are not ready, be withdrawn. She suggested holding Commission Meetings twice a month. The agendas need to be managed and handled better.

Mayor Bower suggested in the future, include the title in the original agenda to properly notice the item and if not ready pull it.

Vice-Mayor Tobin said that if the item is not ready do not reserve a place on the agenda when there are material/significant issues, and then spring "bad news" on them at the last minute. For example, there are issues on the pension item that creates compression issues with the Captains and above, which have yet to be resolved.

Amendment to motion by Commissioner Wolfson to add Addendums 4 as discussion items only; seconded by Vice-Mayor Tobin. Motion not accepted by the maker of the motion.

Vice-Mayor Tobin clarified that the motion on the floor is to take up the police and fire pension negotiated items with the opportunity to vote on it today, and if he does not want to vote, he will vote no.

A roll call requested by Vice-Mayor Tobin was taken on Commissioner Góngora's motion to add Addendum 4 as an Emergency Item; Voice vote: 4-2; Opposed: Vice-Mayor Tobin and Commissioner Wolfson; Absent: Commissioner Libbin.

**VOTE ON ADDENDUM AGENDAS 5 and 6:**

Motion made by Commissioner Wolfson to add Addendum Agendas, Items R9X, R7T1 and R7T2; seconded by Commissioner Libbin; Voice vote: 7-0.

**Presentations and Awards**

**10:51:30 a.m.**

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For May 2013.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Certificates presented.

Commissioner Exposito gave a summary of the incidents that led Officer of the Month for May, Sheldon Thomas, to the arrest a thief. This is a testament to the great work and patience that officers have on a day-to-day basis. It gives him great pleasure, on behalf of the Mayor and the City Commission to recognize Officer Thomas as Officer of the Month for the month of May.

Chief Martinez explained that Officer Thomas was not in the audience, and accepted the Certificate on his behalf.

The Certificates awarded to Officer of the Month for June was presented to Andy Lozano and Grant Reid. Commissioner Exposito explained the details that led to the arrest of two individuals for armed robberies occurring outside of Miami Beach. He recognized them for their hard labor, for their duty and services to the Miami Beach Police Department and to the residents of Miami Beach.

**10:08:26 a.m.**

PA2 Proclamation To Be Presented For CJ Ortuño From SAVE Dade.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Proclamation presented.

Commissioner Exposito stated that it gives him great pleasure to honor someone that he met about four and a half years ago. Throughout this entire process, he has admired CJ's conviction and passion; unfortunately, CJ is leaving our fair city and he is going to be moving away, and he wanted to acknowledge all that CJ has done. He presented a proclamation to Mr. Ortuño, on behalf of the Mayor and the City Commission, for all the wonderful work he has done. CJ grew up in Miami-Dade County, attended Miami-Dade College, graduated from Florida International University and joined SAVE Dade in 2008. For the past five years, SAVE Dade has been honored to have CJ Ortuño as its Executive Director. He has served the community with distinction and a strong and compassionate hand. We thank him for his dedication to SAVE Dade, for his dedication to equality within the community and within the State of Florida. On behalf of Mayor Bower and his colleagues on the Commission, CJ, it gives us great honor that the City of Miami Beach proclaims July 17, 2013 as "CJ Ortuño Day." He thanked CJ for all that he has done for the community, for his passion and for his endless desire to promote equality. CJ is an example for everyone. They are going to miss him.

Commissioner Góngora also has had the opportunity to work closely with CJ over the years with SAVE Dade, and commented what an excellent job CJ has done leading SAVE Dade forward and working on so many important causes in the community. CJ and SAVE Dade also worked closely on the recently passed Domestic Partner Tax Equity Ordinance and every issue on discrimination and safeguarding values for everybody. He has done a wonderful job. He has done great work for our community.

CJ Ortuño stated that his work is not possible without a City like Miami Beach, and this City is the example and the leader across the country, and many of the gains that this movement has felt started here in Miami Beach, and people are watching, and they are continuously watching Miami Beach, and he is leaving Miami Beach and he is being reminded by the invocation today how diverse this community is, and what an example we all are, and this is his home regardless of where he goes.

Vice-Mayor Tobin appreciates most about CJ is that in addition to his passion for what he does, he has a "first class" way of handling things. He is a first-class smart, stay on target, advocate for his position. He is sorry to see him go.

Commissioner Libbin wanted to add his personal best wishes for CJ and to give him his thanks. He had the chance to work with CJ for eight years and the word that comes to his mind is "professional"; and if one looks up in the dictionary or the encyclopedia under professional, one would see CJ's picture there; every interaction with him is such a high level, and they will miss him and wish him the best in future endeavors.

**10:22:41 a.m.**

PA3 Certificates Of Appreciation To Be Presented To All Public Works And Capital Improvement Projects Employees For Their Continuous Hard Work And Fast Response To Any Situation In The City Of Miami Beach.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Certificates presented.

Commissioner Exposito explained that on Friday, June 21, 2013, at approximately 6:15 in the morning, the Public Works Department received a complaint of a water main break at 41<sup>st</sup> Street. Upon arrival at the site, it was determined to be a major break, and as a result, the asphalt was being lifted across most of the roadway. The asphalt was as thick as 15 inches in places and had to be cut to expose the 10-inch water main to replace the blown out piece of pipe. The excavation continued in order to get the pipe, which required additional excavation. Restoration was completed by the next morning. In other words, there was a crew out there for 24 hours working, cleaning up and performing restoration activities that were completed by Saturday, June 22, 2013, at 3:00 p.m. On June 25, 2013 at 7:00 a.m., Public Works Department received another call reporting that sewer water was coming from the Collins Waterway. It was confirmed that a 30-inch diameter sanitary sewer force main had failed causing sewage to discharge into a culvert going into the canal. This force main break was apparently caused by a County Water and Sewer Department contractor closing a valve, which resulted in increased pressure in the City's system. Operations Management and employees worked with contractors throughout the night to facilitate the installation of a new valve to eliminate the discharge, and it was completed by 8:00 a.m. on June 26, 2013. Sometimes we take for granted the men and women that work for the City, and he just thought it was appropriate to show their gratitude towards these employees. These people worked throughout the clock, 24 hours a day, to get this repaired so we would have better facilities. On behalf of the Mayor and his colleagues, they would like to show their appreciation to the individuals involved in this process and thank them for their hard work labor; it is truly appreciated.

Certificates were presented to Eddie Byars, Jorge Maldonado, Eric Valentin, Moses Euline, Marvin White, Exantis Jeune, Anthony Hughes, Reyes Carbajal, Deo Sonny, Lys Desir, Bertran Walthour, Derrick Smith, Noel Socorro, George Corchado, Anthony Mincy, Karl Kirby, Mario Rodriguez, Martha Torres from Public Works; and from CIP Jose A. Perez, Jorge Maldonado and Eric Valentine.

Eric Carpenter, Public Works Director, stated that in the short time he has been in the City of Miami Beach he has been extremely impressed with the dedication and professionalism of the staff of the Public Works Department. It is not an easy job to deal with these situations when emergencies arise. He expressed his gratitude on behalf of his staff.

**10:14:59 a.m.**

- PA4 Certificate Of Appreciation To Be Presented To Mr. Rick Beasley The Executive Director Of South Florida Workforce Investment Board For His Continued Support And Contributions To The New Generation Leadership And Workforce Institute And Workforce Services In The City Of Miami Beach, Service Provided By UNIDAD Of Miami Beach.  
(Requested By Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Mayor Bower introduced the item and explained that Mr. Beasley has always been very supportive of UNIDAD's programs, by funding One-Stop and Leadership Academy, and that is very much appreciated.

Rick Beasley, Executive Director of South Florida Workforce Investment Board, thanked the City Commission also for their efforts and their support. Mayor Bower has made it clear to him that she was passionate about serving the citizens and the children of the community. He wanted to thank them for providing opportunities to be able to provide the services; and in turn, he uses that model to entice other cities to do the same. There are two organizations, one in the school system to provide free locations and to provide training because of this model; so he thanked the leadership of the Mayor, and UNIDAD's leadership, especially that of Margarita Cepeda.

Margarita Cepeda, Executive Director from UNIDAD, spoke.

**10:30:43 a.m.**

- PA5 Certificate Of Recognition To Be Presented To TV Show, Burn Notice, Filmed In Miami Beach.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificate presented.

Mayor Bower introduced the item and explained that Terry Miller and Sharon Gless are here to accept the recognition. She stated that it is these types of shows that put Miami Beach on the map. She welcomed them to Miami Beach and they want to make sure that they know that the City truly appreciate the show.

Terry Miller thanked the City of Miami Beach and Graham Winick for helping them out for seven years. They are very fortunate to have City staff to help them secure location.

Sharon Gless spoke.  
Matt Nix spoke.

**10:41:28 a.m.**

PA6 Certificate Of Recognition To Be Presented To Joshua Williams, One Of America's Top 10 Youth Volunteers Of The Year.

(Requested by Mayor Matti Herrera Bower)  
(Deferred on June 5, 2013)

**ACTION:** Certificate presented.

Mayor Bower introduced the item and explained that Joshua was recognized also by the Prudential Spirit of Community Award Program for creating Joshua's Heart Foundation that has distributed more than 475,000 pounds of food to families in need throughout Florida.

Joshua Williams explained that he is the President and Founder of Joshua's Foundation; he started when he was four and a half, and has been doing this for eight years. He is 12 years old now. He has given almost 500,000 pounds of food and raised \$250,000. He believes this is his purpose from God and he loves what he does.

Commissioner Góngora congratulated him and reminded him that he recognized him years ago for the great work Joshua has been doing.

Commissioner Exposito thanked Joshua for all he does, and stated that it is incredible for someone at his young age to have the compassion that he has for humanity.

**10:45:28 a.m.**

PA7 Certificates Of Completion To Be Presented To The City Of Miami Beach Neighborhood Leadership Academy Graduates.

(City Manager's Office)

**ACTION:** Certificate presented to Aida Gispert, Daniel Ciraldo, Goddy Cruz, Irene Hung, Jeffery Feldman, Kathyne Jackson, Manuel Rubio, Marina Aviles, Monica Melamid, Susan Weitz, Vicki Petruzzelli, Raquel Libman, Bobby Killgore, Mario Mayen, and Rivka Dubitsky.

Jimmy Morales, City Manager, introduced the item and announced the next class will be September 9, 2013.

Jeff Feldman spoke.

**10:35:57 a.m.**

PA8 Certificate Of Recognition To Be Presented To Benjamin Abo, Mount Sinai Hospital Resident, For His New York Subway Rescue Good Samaritan Act.

(Requested by Commissioner Michael Góngora)

**ACTION:** Certificate presented.

Commissioner Góngora stated that he is proud today to honor for the second time this year a good Samaritan that both lives and works on Miami Beach. Even on vacation sometimes a doctor can be called to service when they least expect it and that proved to be the case with this young doctor, Dr. Benjamin Abo, who put his life on the line while vacationing in New York City and rescuing a man who fell on the subway tracks after a seizure. He is a resident at Mount Sinai Hospital Center, trained as a paramedic, and received his Master's Degree in Public Health. The Miami Herald wrote an article about his bravery, and he wanted to recognize him. He explained the incident and how Dr. Abo saved the man's life by risking his own. He is a hero and they are proud of him.

Dr. Benjamin Abo thanked them for the recognition. He loves the City and appreciates the honor for something that seemed right and he was actually proud to do. He recognized the work of the first responders who put their lives at risk every day for the City.

**10:03:59 a.m.****New item:**

PA9 Proclamation/Salsa Lovers Dance Studio for 12th Annual Salsa Congress.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Proclamation presented.

Commissioner Libbin introduced the item and read the proclamation into the record. He added that they proclaim July 24-28, 2013 as "Salsa Week" in the City of Miami Beach.

Rene Gueits thanked the City Commission, stated that the program brings many bands and artists to the City, and provides a venue for salsa dance lovers.

**11:00:19 a.m.**

**New item:**

PA10 Certificates of Recognition/Beatrice Morant & Paul Velez, UNIDAD's program  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Certificates presented.

Commissioner Wolfson introduced the item and recognized Brinkman Medical Center, sponsor, and senior participant Paul Velez.

Raymond Adrian introduced Beatrice Morant and recognized Borinquen for providing training as a Medical Assistant.

Beatrice Morant thanked everyone for the opportunity.

Ana Smith, Borinquen Clinic representative, spoke.

Handout and Reference Materials:

1. Email from Wanda Geist dated July 17, 2013 RE: name of recipients for PA4, PA5 and PA6
2. List of recipients for PA2

**CONSENT AGENDA**

**12:29:49 p.m.**

**ACTION:** Motion made by Commissioner Weithorn to approve the Consent Agenda excluding the separated items; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Commissioner Libbin.

Handout and Reference Materials:

1. List of separated items.

**C2 - Competitive Bid Reports**

**SUPPLEMENTAL AGENDA 3: Memorandum**

C2A Request For Approval To Authorize The Issuance Of A Requests For Proposals (RFP) For Design/Build Services For Right-Of-Way Infrastructure Improvement Program No. 8B - Lower North Bay Road.

(Capital Improvement Projects)  
**(Memorandum)**

**ACTION: Request authorized. David Martinez to handle.**

- C2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 018-2013TC, For The Construction Of Beachwalk II - Phase I From South Pointe Drive To 3rd Street.  
(Capital Improvement Projects/Procurement)

**ACTION: Request authorized. David Martinez and Alex Denis to handle.**

- C2C Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 172-2013TC, For The 1701 Meridian Avenue 4th Floor Renovation.  
(Capital Improvement Projects/Procurement)

**ACTION: Request authorized. David Martinez and Alex Denis to handle.**

**MOVED TO ITEM C7GG:**

- C2D Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 173-2013TC, For The Reconstruction Of Surface Parking Lots 12x And 17x.  
(Capital Improvement Projects/Procurement)  
**(Memorandum to be Submitted in Supplemental)**

**ACTION: Moved to Item C7GG.**

- C2E Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 260-2013TC, For The Miami Beach Golf Course Drainage Remediation.  
(Capital Improvement Projects/Procurement)

**ACTION: Request authorized. David Martinez and Alex Denis to handle.**

**July 19, 2013 at 4:55:29 p.m.**

- C2F Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 268-2013TC, For Dune Restoration Services.  
(Public Works/Procurement)

**ACTION: Item separated for discussion by Vice-Mayor Tobin. Request authorized.** Items heard in conjunction with C7I and C7W. Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Eric Carpenter and Alex Denis to handle.**

**City Clerk's Note:** Corrections:

Page 52, in the table change the following headings:

<del>Superior Landscaping &amp; Lawn Service, Inc.</del>	<del>Superior Waterway Services, Inc.</del>
<u>Superior Waterway Services, Inc.</u>	<u>Superior Landscaping &amp; Lawn Service Inc.</u>
\$115,749.00	\$121,861.00
\$100,060.00	\$126,651.00
\$42,027.50	\$30,208.00
\$37,325.00	\$20,848.00

- C2G Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 014-2013TC, For The Demolition Of The Normandy Shores Park Building.  
(Parks & Recreation/Procurement)

**ACTION: Request authorized. Kevin Smith and Alex Denis to handle.**

**July 19, 2013 at 4:56:05 p.m.**

- C2H Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of The Street Markets On Lincoln Road, Normandy Village, Collins Park And Other Locations.  
(Real Estate Housing Community Development/Procurement)

**ACTION: Item separated for discussion by Commissioner Exposito. Approved as amended, referred to the next Finance & Citywide Projects Committee and the RFP may be issued without the need to return to the City Commission for approval.** Motion made by Commissioner Exposito; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Tobin.

**Amendments:**

RFP to be on the Street for 60 days; and  
Redistributions of points to 35/35 for methodology and experience/qualification

**REFERRAL:**

Finance & Citywide Projects Committee

Max Sklar introduced the item.

Commissioner Exposito had pulled the item for two reasons:

- 1) To consider the time the RFP is out on the street. Right now, it is drafted for 30 days; Commissioner Exposito desire is to have it out for 60 days. The Administration is not opposed to that.
- 2) To consider amending the evaluation criteria on page 79 of the agenda. The current evaluation criteria awards 50 points toward experience and qualification; 15 points toward references; 20 points toward approach/methodology; and 15 points toward financial capabilities and cost proposal. Commissioner Exposito's desire is to increase the amount of points given to approach and methodology.

Commissioner Exposito stated that he wants to extend the time to see the ability to bring in a market into Lincoln Road that is more in line to those found in Barcelona, as opposed to fruit stands. There are proposers that have interesting ideas, and he wants them to be able to bid.

Mr. Sklar inquired as to the redistribution of points. Commissioner Exposito stated that he wanted to move the distributions of points to 35/35 for methodology and experience/qualification.

Commissioner Weithorn suggested approving the item and sending it to the next Finance Committee meeting (next week) to tweak it.

Assistant City Manager Kathie G. Brooks requested that if the item is referred to Finance, that it

should not have to return to the City Commission, as they are trying to get the RFP out.

Commissioner Exposito stated that his proposed changes open it up to more bidders. The Mayor agreed with the proposal.

Max Sklar stated that this item is expected to return to Commission in October in 2013 for final selection approval.

#### **SUPPLEMENTAL AGENDA 2: Memorandum**

C2I Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 145-2013, For Routine And Emergency Sanitary Sewer And Storm Water Pipes Cleaning, And Close Circuit Television (CCTV) Inspection Services, To JCC Enterprise Labor, Inc., The Lowest Bidder, As The Primary Vendor, A&A Drainage & VAC Services, Inc., The Second Lowest Bidder, As The Secondary Vendor, And Shenandoah Construction, The Third Lowest Bidder, As The Tertiary Vendor.

(Public Works/Procurement)  
(Deferred from June 5, 2013)  
**(Memorandum)**

**ACTION: Request authorized. Eric Carpenter and Alex Denis to handle.**

Handout or Reference Materials:

1. Letter to James Scrima, A&A Drainage and Vac Services, from Jimmy L. Morales, dated July 8, 2013, RE: Protest Files Pursusnt to Award Recommendation on ITV 145-2013.

#### **SUPPLEMENTAL AGENDA 3: Revised Memorandum**

C2J Request Approval To Renew, In Some Cases Retroactively, Contracts For Routine Operational Requirements.

(Procurement)  
**(Revised Memorandum)**

**ACTION: Request authorized. Alex Denis to handle.**

C2K Request For Approval To Award A Contract To Oracle Elevator Company Pursuant To Invitation To Bid (ITB) 183-2013, For City Hall Elevator Renovation.

(Property Management/Procurement)

**ACTION: Request authorized. Anthony Kaniewski and Alex Denis to handle.**

**C4 - Commission Committee Assignments**

- C4A Referral To The Finance And Citywide Projects Committee - A Discussion On Increasing The Living Wage Rate In Accordance With The Options Pursuant To The Ordinance 2010-3682.  
(Procurement)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Alex Denis to handle.**

- C4B Referral To The Finance And Citywide Projects Committee - A Discussion On The Review And Recommendations For Improving The City's Procurement Code Completed By The National Institute For Public Procurement (NIGP).  
(Procurement)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Alex Denis to handle.**

- C4C Referral To The Finance & Citywide Projects Committee - Proposed Comprehensive Records Management Plan.  
(City Clerk's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Rafael E. Granado to handle.**

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding Walker Parking To Conduct A Parking Supply And Demand Analysis.  
(Parking Department)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Saul Frances to handle.**

- C4E Referral To The Land Use And Development Committee - Boat Docks And Marine Structures Ordinance.  
(Requested by the Planning Board)  
(Legislative Tracking: Planning Department)

**ACTION: Referred.** Richard Lorber to place on the committee agenda. **Richard Lorber, Eric Carpenter and Gary Held to handle.**

**SUPPLEMENTAL AGENDA 2: Proposed Ordinance**

- C4F Referral To The Planning Board - Ordinance Amendment Incentivizing The Retention Of Architecturally Significant Single Family Homes Built Prior To 1942.  
(Requested by Mayor Matti Herrera Bower)  
(Legislative Tracking: Planning Department)  
**(Proposed Ordinance)**

**ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.**

- C4G Referral To The Planning Board - An Ordinance Amendment Adding St. Patricks Church To The 40th Street Religious Institution Overlay District.  
(Requested by Commissioner Edward L. Tobin)  
(Planning Department)

**ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.**

- C4H Referral To The Parking & Transportation Committee And The Neighborhood/ Community Affairs Committee A Comprehensive Discussion Of Parking In The City Of Miami Beach.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred. Saul Frances to place on the committee agenda and to handle.**

- C4I Referral To The Land Use And Development Committee - An Ordinance That Would Require That All Easement, Alley And/Or Right-Of-Way Vacation Requests Be Approved By The City Commission Before The Project In Question Is Heard Before Any Of The City's Land Use Boards.  
(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Richard Lorber to handle.**

- C4J Referral To The Land Use And Development Committee - Discussion Concerning The Motion By The GLBT Business Enhancement Committee Regarding Extending Hours Of Operation For The Four Event Weekends: White Party, Winter Party Festival, Miami Beach Gay Pride And Aqua Girl.  
(Requested by Commissioner Michael Góngora)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Max Sklar to handle.**

- C4K Referral To The Land Use And Development Committee - Discussion Concerning Retractable Roofs On Outdoor Cafes.  
(Requested by Commissioner Michael Góngora)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Richard Lorber to handle.**

**5:57:34 p.m. and 8:53:12 p.m.**

- C4L Referral To The Planning Board - An Ordinance Amendment That Places A Six-Month (6) Moratorium Limited To The Issuance Of Orders Or Permits For The Substantial Or Total Demolition Of Architecturally Significant Single-Family Homes.  
(Requested by Mayor Matti Herrera Bower)

**ACTION:** See Action with Item R7F at time 8:53:12 p.m. Motions 1 and 2 on item R7F are summarized below: **Richard Lorber to handle.**

**MOTION NO. 1:**

Motion made by Commissioner Wolfson to direct Planning Department staff and the City Attorney's Office to prepare a moratorium-stay for consideration of the Planning Board until November 2013; the moratorium will not apply to any one who purchased a home for at least three months prior to this date; seconded by Commissioner Libbin. Voice-vote: 6-1; Opposed: Vice-Mayor Tobin.

**MOTION 2:**

Motion made by Commissioner Weithorn amending C4L by the prior motion; seconded by Commissioner Libbin; Voice-vote 6-1; Opposed: Commissioner Góngora.

**AMENDMENT:**

1. Moratorium would end Thanksgiving Day, November 28, 2013;
2. Moratorium would not apply to the following persons and properties:
  - a) A property on which the owner filed an application for building permit with the Building Department as of July 17, 2013.
  - b) A property purchased within the three months prior to July 17, 2013;
  - c) An owner who entered into a contract to sell the property, with a deposit in escrow as of July 17, 2013; and
  - d) An owner who establishes equitable estoppel as stated in Florida case law as proven by affidavit and documentation to the satisfaction of the City Attorney.

**Mayor Bower explained that item C4L approved in consent is amended by the motion and the motion includes that the moratorium ends in November 2013.**

Handout or Reference Material:

1. Email from Gary Held to Rafael Granado dated July 17, 2013 RE: Motion of Commission to Amend C4L – 7-17-13

**ADDENDUM AGENDA 1:**

- C4M Referral To The Finance And Citywide Projects Committee - Proposed City Wide Survey Of All Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City.  
(Planning Department)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Richard Lorber to handle.**

**ADDENDUM AGENDA 3:**

- C4N Referral To The Land Use And Development Committee And Planning Board - An Ordinance To Allow The Temporary Storage Of Boats In The Front Yard Of Residential Properties For The Purpose Of Repairs And Cleaning.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.**

**ADDENDUM AGENDA 3:**

- C4O Referral To The Land Use And Development Committee - Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land Development Regulations.  
(Public Works)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Eric Carpenter to handle.**

**ADDENDUM AGENDA 3:**

- C4P Referral To The Finance And Citywide Projects Committee An Item To Discuss A Possible Partnership Between The City Of Miami Beach And The Bicycle Action Committee (BAC) In An Effort To Promote Safety For Bicyclists.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred. Patricia Walker to place on the committee agenda. City Attorney's Office and Public Works to handle.**

**ADDENDUM AGENDA 3:**

- C4Q Referral To The Neighborhood/Community Affairs Committee An Item To Discuss Recommendations From The City Attorney's Office On Legislation And/Or Action That May Be Recommended For Adoption By City Commission To Ensure That All Public Benches Are Made Available For Their Intended Use And Purpose.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred. Barbara Hawayek to place on the committee agenda. City Attorney's Office to handle.**

**ADDENDUM AGENDA 3:**

- C4R Referral To The Land Use And Development Committee For Consideration Of A Proposed Ballot Question To Permit Limited Transfer Of FAR Within A Specific Zone, Pursuant To Criteria That Shall Be Established In Upcoming Ordinances Regarding Alton Road.  
(Requested by Commissioner Deede Weithorn)

**ACTION: Referred. Richard Lorber to place on the committee agenda. Richard Lorber to handle.**



**ADDED ON THE FLOOR BY THE MAYOR ON JULY 19, 2013****5:19:47 p.m. July 19, 2013**

C4S Referral To The Land Use and Development Committee - The Historic Preservation Board's Recommendation To Adopt A Demolition Ordinance For Single Family Residences, As Similar As Possible To The City Of Coral Gables Ordinance, Which Requires Review Of Total Demolition Request For Any Structure 50 Years Of Age Or Older By The City's Historic Preservation Officer, In Order To Determine If The Structure Should Be Brought To The Historic Preservation Board For Historic Designation Consideration.

(Requested by Mayor Matti Herrera Bower)

**ACTION: Referred.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-Vote 6-0; Absent: Vice-Mayor Tobin. **Richard Lorber to place on the committee agenda and to handle.**

Handout and Reference Materials:

1. City of Miami Beach Historic Board Resolution of May 14, 2013.

**C6 - Commission Committee Reports**

C6A Report Of The Neighborhood/Community Affairs Committee Meeting On May 20, 2013: **1)** Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015. **2)** Discussion Regarding Proposed Amendments To City Code Chapter 38 Regarding "Elections." **3)** Discussion Involving Citywide Lighting Conditions. **4)** Discussion Regarding 1) Amendments To Land Development Regulations Sections 142-109, 142-905 And 142-1111. 2) The Amendments Shall Prohibit, And Set Forth The Appropriate Penalties, For Individuals And/Or Entities That Advertise The Transient Occupancy (Short-Term Rental) Of Those Properties Which Are Located Within A Single Family Or A Multi-Family Zoning District, As Specifically Delineated In Sections 142-905 And 142-1111. 3) The Amendment To Section 142-109 Shall Prohibit The Advertisement Of Those Single Family Residential Properties For The Purpose Of Allowing The Commercial Use Of The Premises, And The Advertisement Of Those Events, Gatherings Or Promotions At The Single Family Residential Property, Consistent With The Prohibitions Set Forth Within Section 142-109. **5)** Discussion Regarding A Proposed Public Art Project For Placement In South Pointe Park Pier. **6)** Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance." **7)** Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies. **8)** Discussion Regarding The Restoration Of Monument Island. **9)** Status Update For The Beach Walk From Sunrise Plaza To Fifth Street. **10)** Discussion Regarding Status Of The Naming Of The Tennis Center At Flamingo Park. **Emergency Item: 11)** Discussion Regarding The FDOT Alton Road Project Between 6<sup>th</sup> And Michigan.

**ACTION:**

**Item No. 1: Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The City Of Miami Beach Centennial, Which Will Occur On March 26, 2015.**  
Commission Item C4A, December 12, 2012. (Requested by the City Manager's Office).

City Clerk's Note: See Item C7AA

**Item No. 2: Discussion Regarding Proposed Amendments To City Code Chapter 38 Regarding "Elections."** Commission Item, C4J, December 12, 2012. (Requested by the City Attorney's Office).

City Clerk's Note: See Item R5A

**Item No. 3: Discussion Involving Citywide Lighting Conditions.**  
Item C4O, December 12, 2012. (Requested by Commissioner Góngora)

**Item No. 4: Discussion Regarding 1) Amendments To Land Development Regulations Sections 142-109, 142-905 And 142-1111. 2) The Amendments Shall Prohibit, And Set Forth The Appropriate Penalties, For Individuals And/Or Entities That Advertise The Transient Occupancy (Short-Term Rental) Of Those Properties Which Are Located Within A Single Family Or A Multi-Family Zoning District, As Specifically Delineated In Sections 142-905 And 142-1111. 3) The Amendment To Section 142-109 Shall Prohibit The Advertisement Of Those Single Family Residential Properties For The Purpose Of Allowing The Commercial Use Of The Premises, And The Advertisement Of Those Events, Gatherings Or Promotions At The Single Family Residential Property, Consistent With The Prohibitions Set Forth Within Section 142-109.** Commission Item C4G, February 6, 2013. (Requested by Commissioner Tobin). Stephen Scott, building Director / Alex Boksner, City Attorney's Office.

**Item No. 5: Discussion Regarding A Proposed Public Art Project For Placement In South Pointe Park Pier.** Commission Item C4D, January 16, 2013. (Requested by City Manager's Office).

City Clerk's Note: See Item C7CC

**Item No. 6: Discussion Regarding Possible Amendments To Chapter 70 Article III (Section 70-122-129), "Graffiti Ordinance."** Commission Item, C4F, March 13, 2013. (Requested by Commissioner Exposito). Stephen Scott, Building Director and Debora Turner, First Assistant City Attorney.

**Item No. 7: Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.** Commission Item, C4Q, March 13, 2013.

**Item No. 8: Discussion Regarding The Restoration Of Monument Island.**  
Commission Item, C4H, April 17, 2013. (Requested by Commissioner Weithorn). Jose Gonzalez, Transportation Manager.

**Item No. 9: Status Update For The Beach Walk From Sunrise Plaza To Fifth Street.**

**Item No. 10:) Discussion Regarding Status Of The Naming Of The Tennis Center At Flamingo Park.** Item C4D, April 17, 2013. (Requested by Commissioner Góngora). Kevin Smith, Director of Parks and Recreation Department.

**Item No. 11: Emergency Item: Discussion Regarding The FDOT Alton Road Project Between 6<sup>th</sup> And Michigan.**

City Clerk's Note: Item 11 added as an Emergency Item.

C6B Report Of The Land Use And Development Committee Meeting On June 12, 2013: **1)** Discussion Regarding The FDOT Alton Road Project And The Alton Road Reconstruction Coalition (AARC). **2)** Reduced Parking Rates For Hotel Employees. **3)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **4)** Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. **5)** Discussion Regarding Food Trucks On Private Property. **6)** Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators. **7)** Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942. **8)** Discussion Regarding The Proposed Ordinance "Revising The Year Of Review For Architectural Significance Of Single Family Homes From The Current 1942 To The Year 1966, And By Modifying The Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Determined To Be Architecturally Significant And Not Located Within A Designated Historic District". **9)** Discussion Concerning A Proposed Amendment Of The Charter To Prohibit The Involuntary Designation Of Single-Family Residences As Individual Historic Sites, Hereinafter Referred To As The Miami Beach Homeowner Protection Act. **10)** Discussion Regarding A Resolution Pursuant To City Code Section 118-591 Declining To Pursue The Proposed Designation Of 42 Star Island Drive As A Historic Site. **11)** Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road. **12)** Discussion Regarding The Current Sidewalk Café Ordinance. **13)** Discussion Regarding An Item Addressing The Uses Adjacent To St. Patrick's Church And The Possibility Of Permitting Additional Uses. **14)** Accessory Setback Encroachments An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations", By Amending Article IV, Entitled "Supplementary District Regulations", By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date.

**ACTION:****Item No. 1: Discussion Regarding The FDOT Alton Road Project And The Alton Road Reconstruction Coalition (AARC).**

Eric Carpenter introduced the matter and discussed the meeting held with FDOT earlier this morning. FDOT staff will take two weeks to explore possible changes to the Alton Road plans. There was discussion about the drainage system and the layout of the roadway. The drainage design is complete and it is not reasonable to redesign the project at this time. There is a possibility to widen the median and slightly narrow the travel lanes. Members of the public spoke, including Paul Jonas and Dennis Russ.

City Clerk's Note: See item R9T

**Item No. 2: Reduced Parking Rates For Hotel Employees.**

Deferred

**Item No. 3: Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And**

**Ask That The City Look Into Adopting The County Requirement Of 1500 Feet.**

Deferred.

**Item No. 4: Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes.**

Deferred.

**Item No. 5: Discussion Regarding Food Trucks On Private Property.**

Deferred.

**Item No. 6: Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.**

Deferred.

**Item No. 7: Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942.**

MOTION: Góngora / Wolfson (2-0) Refer the proposal to the Planning Board. Also, expand public outreach through public workshop meetings.

**Item No. 8: Discussion Regarding The Proposed Ordinance "Revising The Year Of Review For Architectural Significance Of Single Family Homes From The Current 1942 To The Year 1966, And By Modifying The Procedures For The Review And Approval Of Demolition Requests For Single Family Homes Determined To Be Architecturally Significant And Not Located Within A Designated Historic District."**

MOTION: Góngora / Wolfson (2-0) Refer the proposed Ordinance to the Finance and Citywide Projects Committee.

City Clerk's Office: See Item C4F

**Item No. 9: Discussion Concerning A Proposed Amendment Of The Charter To Prohibit The Involuntary Designation Of Single-Family Residences As Individual Historic Sites, Hereinafter Referred To As The Miami Beach Homeowner Protection Act.**

No Action Taken.

**Item No. 10: Discussion Regarding A Resolution Pursuant To City Code Section 118-591 Declining To Pursue The Proposed Designation Of 42 Star Island Drive As A Historic Site.**

City Clerk's Note: See item C7H

**Item No. 11: Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road.**

Deferred.

**Item No. 12: Discussion Regarding The Current Sidewalk Café Ordinance.**

MOTION: Move to Full Commission without a recommendation. Commissioner Wolfson opposed.

**Item No. 13: Discussion Regarding An Item Addressing The Uses Adjacent To St. Patrick's Church And The Possibility Of Permitting Additional Uses.**

MOTION: Wolfson / Góngora (2-0) Refer an Ordinance to the Planning Board to expand the 40<sup>th</sup> Street Religious Institution Overlay to include St. Patricks.

**Item No. 14: Accessory Setback Encroachments An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations", By Amending Article IV, Entitled "Supplementary District Regulations", By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date.**

Deferred.

- C6C Report Of The Special Finance And Citywide Projects Committee Meeting On May 22, 2013: **1)** Private Closed Attorney-Client Session Scheduled From 2:00 p.m. To 3:00 p.m. To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Attached Referenced Litigation Matters. **2)** Discussion Of The Miami Beach Convention Center Proposals And The Miami Beach Convention Center Master Plans.

**ACTION:**

**Item No. 1: Private Closed Attorney-Client Session Scheduled From 2:00 p.m. To 3:00 p.m. To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Attached Referenced Litigation Matters.**

The Committee had a closed session meeting with City Attorney Jose Smith.

**Item No. 2: Discussion Of The Miami Beach Convention Center Proposals And The Miami Beach Convention Center Master Plans.**

The Committee requested that Consultant Jeff Sachs verify the numbers presented on the last slide entitled "Hypothetical Scenarios", as there was some discussion as to how the numbers were calculated and that staff should schedule a Special Land Use Meeting to answer any questions in regard to the Convention Center Master Plan.

City Clerk's Note: See item R7N and R9C

C6D Report Of The Neighborhood/Community Affairs Committee Meeting On June 26, 2013: **1)** Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance. **2)** Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace. **3)** Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO. **4)** Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies. **5)** Resolution Supporting The Efforts Of Miami-Dade County And The Miami-Dade County Public Schools' Joint Roundtable On Youth Safety to Neighborhood/Community Affairs Committee and Committee on Quality Education. **6)** Discussion Regarding The Restoration Of Monument Island. **7)** Discussion Regarding The Collins Park Garage Project (Collins Park Place). **8)** Discuss The Enforcement Components Of The Recycling Ordinance. **9)** Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan. **10)** Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives. **11)** Report From City Staff On The Traffic Calming And School Zone Expansion Initiative For 41st Street Between Meridian Avenue And Garden Avenue To Improve School Safety At Nautilus Middle School. **12)** A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flaming Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The City. **13)** Discussion Regarding The Issue Of The Use Of Medical Marijuana. **14)** An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.

**ACTION:****Item No. 1: Consideration And Discussion Of Proposed Amendments To The City's Noise Ordinance.**

Commissioner Exposito directed administration to discuss proposed changes to the noise ordinance at the new Crowe Horwath Report committee, once created, and bring back to Committee. Seconded by Commissioner Libbin.

**Item No. 2: Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace.**

No Motion was made. Commissioner Exposito expressed the desire of the Committee for the administration to move forward.

**Item No. 3: Discussion Regarding Considering Hosting A Biannual Art Camp Held In Miami Beach In Cooperation With UNESCO.**

Commissioner Libbin **withdrew** the item as other agencies are already taking the lead.

**Item No. 4: Discussion Regarding Bicyclist Safety Campaign With The Miami Beach Police Department, Deco Bikes And Local Bicycle Rental Companies.**

Item Deferred.

**Item No. 5: Resolution Supporting The Efforts Of Miami-Dade County And The Miami-Dade County Public Schools' Joint Roundtable On Youth Safety to Neighborhood/Community Affairs Committee and Committee on Quality Education.**

Commissioner Exposito made the motion to move forward with the recommendations of Miami-Dade County and Miami-Dade County Public Schools Joint Roundtable on Youth Safety and seconded by Commissioner Libbin.

**Item No. 6: Discussion Regarding The Restoration Of Monument Island.**

Move forward with creating a logical group and gather input from various sources regarding a Master Plan for Flagler Memorial Island. Bring back to Committee for further discussion.

**Item No. 7: Discussion Regarding The Collins Park Garage Project (Collins Park Place).**

Motion: Commissioner Exposito to forward the Collins Park garage project to Commission for approval and move forward as soon as possible and to ensure all pertinent permits and modifications are solidified. Seconded by Commissioner Libbin.

Action: Commissioner Libbin directed Administration to get details on cost ROI and comparisons and its sources.

**Item No. 8: Discuss The Enforcement Components Of The Recycling Ordinance.**

Commissioner Exposito would like to hold off on penalties for compliance with the recycling ordinance and extended the education component an additional six months. Second by Commissioner Libbin.

**Item No. 9: Discuss An Amendment To The Special Event Requirements And Guidelines To Include Recycling Requirements For All Special Events That Require A Sanitation Plan.**

Commissioner Libbin made the motion that if it requires a sanitation plan than it must have a recycling sanitation plan. Seconded by Commissioner Exposito.

**Item No. 10: Discuss An Amendment To The Energy Economic Zone Ordinance To Include Miami-Dade County's Green Business Certification Program As An Eligibility Criteria To Receive The EcoZone Program Tax Incentives.**

Commissioner Libbin made the motion to allow the County to handle the green Business Certificate Program as eligibility criteria for the Energy Economic Zone program. Seconded by Commissioner Exposito.

**Item No. 11: Report From City Staff On The Traffic Calming And School Zone Expansion Initiative For 41st Street Between Meridian Avenue And Garden Avenue To Improve School Safety At Nautilus Middle School.**

Commissioner Exposito made the motion to look at studies and proceed with recommendations from Assistant Police Chief to expand the speed zone and work with Nautilus. Seconded by Commissioner Libbin; Although he does not agree with yet another study.

**Item No. 12: A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee Not To Name The New Tennis Center At Flaming Park (The Center) The "Flamingo Park Tennis Center," As Proposed By The Flamingo Park Neighborhood Association And, Further, To Keep The Existing Proposed Name Of The Center As The "Flamingo Park/Holtz Tennis Center," In Accordance With The Intent Of The Prior Agreement(s) Entered Into By The Tennis Center," In Accordance With**

**The Intent Of The Prior Agreement(s) Entered Into By The City.**

Motion: Commissioner Exposito made the motion. Pursuant to the compromise settlement reached between the City administration, Legal and Mr. Holtz to move forward with the establishment of the monument (with reasonable input from the Holtz family), and send to AIPP for approval on the tennis ball sculpture. To name the facility "Flamingo Park Tennis Center" and as agreed to a plaque at the bottom of the tennis ball sculpture. Seconded by Commissioner Libbin.

**Action:**

- Move item to Commission
- Legal to amend naming of the Ordinance, with 2<sup>nd</sup> reading at the September 13<sup>th</sup> Commission Meeting
- AIPP for approval of monument at the next AIPP Meeting

City Clerk's Note: See Item R7N.

**Item No. 13: Discussion Regarding The Issue Of The Use Of Medical Marijuana.**

No recommendation from Committee. Send item to Commission for consideration of a straw ballot question on the November 5<sup>th</sup> ballot, whether the City Commission should adopt a resolution urging State and Federal lawmakers to permit the use of marijuana for medicinal purposes.

City Clerk's Note: See Item R7G

**Item No. 14: An Ordinance Amending Miami Beach City Code Chapter 2 Entitled "Administration," Article VII Entitled "Standards Of Conduct," Division 2 Entitled "Officers, Employees, And Agency Members," By Amending Section 2-446 Thereof Entitled "Declaration Of Policy" To Provide For Limited Standards Of Conduct Applicable To The City's Special Masters, And Creating City Code Section 2-461 Establishing Special Master Lobbying Prohibitions; Providing For Repealer, Severability, Codification, And An Effective Date.**

Item was deferred.

C6E Report Of The Special Land Use And Development Committee Meeting On July 8, 2013: 1) Discussion Regarding Miami Beach Convention Center Master Plan Program Components.

**ACTION:****Item No. 1: Discussion Regarding Miami Beach Convention Center Master Plan Program Components.**

Commissioner Góngora began the meeting and City Manager Jimmy Morales provided an overview of the item.

Public Comment:

- Frank Del Vecchio
- Ron Starkman
- Ray Breslin

John Portman, from the Portman Team, provides brief remarks and indicates that the Portman Team will not be making a presentation.

Victor Diaz, from the Tishman Team, narrates a power point presentation that responds to the City Managers memo and recommendations.

City Manager Jimmy Morales explains the rationale behind the memo and briefly discusses potential funding options.

Trish Walker and Jeff Sachs provide additional feedback regarding the existing, as well as a potentially expanded, RDA.

Commissioner Góngora indicates that the Land Use Committee will provide feedback on each section of the City Managers memo.

#### 1. Hotel Component

Mayor Bower, as well as Commissioners Góngora, Tobin, Libbin, Weithorn & Exposito all support an 800-room hotel. There was also general agreement that the amount of accessory commercial space should not exceed 30,000 square feet.

Commissioner Wolfson is opposed to an 800-room hotel as he feels there is no adequate traffic study; the price point is too high and is concerned with debt service payments.

#### 2. 17<sup>th</sup> Street Garage

The consensus of the Mayor and Commission is that the existing 17<sup>th</sup> Street garage should be demolished and replaced with a new parking structure, with retail at the first floor. Additionally, the City should maintain control of the structure, including the pricing for parking in the garage. The Commission also indicated that funding for the garage could come through the leasing of the retail space, and/or a joint development venture with the private sector.

Commissioner Exposito indicated that the phasing for the construction of a new garage needs to be further evaluated, so as not to displace a parking option for the local work force.

#### 3. Retail North of 17<sup>th</sup> Street

There was general consensus on the Manager's recommendation of a maximum of 20,000 square feet of food & beverage and limited retail located in the public spaces north of 17th Street. There were some concerns expressed about the additional recommended restriction that no one establishment could occupy more than 10,000 square feet.

#### 4. Residential Development

The consensus of the Mayor and City Commission was that some limited residential development on the west (Meridian Avenue) and east (Washington Avenue) sides of the convention center site may be appropriate in order to activate the proposed areas of open space, as well as provide an appropriate interface between the residential areas to the immediate east and west of the site. However, any residential proposed should be low scale.

Some Commissioners suggested that a residential component be phased into the project at a later date. The City Manager indicated that such a phasing plan may require a new ballot referendum in the future.

#### 5. 200 Room Hotel on Top of the 17<sup>th</sup> Street Parking Garage

There was no consensus for a hotel on top of the 17<sup>th</sup> Street Parking Garage.

#### 6. Cultural Building

The consensus of the Mayor and Commission was to accept the City Managers recommendation and eliminate the proposed Cultural Buildings from the plan.

7. Gleason Theatre

The consensus of the Mayor and Commission was to accept the City Manager's recommendation by retaining the Gleason Theatre and addressing the programming of the building at a future date, at the conclusion of the management agreement with Live Nation.

8. Public Amenities & Greenspace

The consensus of the Mayor and Commission was to maximize the public amenities and greenspace.

Jeff Sachs addressed the differences in each team's contributions to providing public amenities and open space, as well as maintenance.

The Mayor and Commission considered the issue of each team's position on signing an agreement not to sue the City, in the event their particular team was not chosen as was done in San Diego.

Raul Aguila and Jose Smith from the City Attorney's office addressed the matter for the City. The Portman team has signed the agreement, subject to the Tishman team also agreeing to sign the agreement. To date, the Tishman team has not agreed to sign the agreement. Al Dotson (Tishman) and Lucia Dougherty (Portman) addressed the matter on behalf of the respective teams.

The consensus of the Mayor and Commission was that the agreement was important and that they wanted to be updated on the progress of both teams agreeing to it.

Commissioner Góngora raised the issue of Traffic & Mobility and indicated that he would like this issue to be fully addressed. City Manager Jimmy Morales indicated that while neither team has developed a perfect approach, the chosen team would be required to substantially further the traffic and mobility plan.

The next 2 meetings of the City Commission, the July 12, 2013 Special Meeting and the July 17, 2013 regular meeting were discussed.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To Miami-Dade County For FY 2013/2014 Edward Byrne Memorial Justice Assistance Grant Program Funds In The Approximate Amount Of \$8,726 For The Police Department's Records Improvement Program; And, 2) Execute An Interlocal Agreement And Annual Affidavit With Miami-Dade County For The FY 2012/2013 Miami-Dade County Municipal Parking Fines Reimbursement Program, For Funding In The Approximate Amount Of \$61,000, For Funds To Be Used To Improve Accessibility And Equal Opportunity To Qualified Persons Who Have Disabilities And To Conduct Public Awareness Programs; Appropriating The Grant And Program Funds, And City Expenses, If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Application, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To This Grant.

(Budget & Performance Improvement)

**ACTION: Resolution 2013-28248 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.**

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 064-2013, For Audit Services Of Capital Improvement Projects.

(Budget & Performance Improvement/Procurement)

**(Resolution)**

**ACTION:** Item deferred.

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 065-2013TC, For Emergency Management Administrative Support Services.

(Budget & Performance Improvement/Procurement)

**ACTION: Resolution 2013-28249 adopted.** John Woodruff and Alex Denis to handle.

- C7D A Resolution Authorizing The Mayor And City Clerk To Execute Amendment No. 25 To The Professional Services Agreement Between The City Of Miami Beach, Florida, And CH2M Hill, Inc. For The Professional Landscape, Architectural And Engineering Services For The Right-Of-Way Infrastructure Improvement Program For Neighborhood No. 8 Bayshore And Sunset Islands, Dated May 16, 2001 (The Agreement), In The Negotiated Not-To-Exceed Amount Of \$443,861 For Additional Construction Administration Services, For A Period Of Eight (8) Months And For Additional Design Services For The Right Of Way Infrastructure Improvements For The Central Bayshore Neighborhood No. 8A Package; And \$5,000 For Reimbursable Expenses, For A Grand Total Not-To-Exceed Amount Of \$448,861; With Previously Appropriated Funding.  
(Capital Improvement Projects)  
**(Resolution)**

**ACTION: Resolution 2013-28250 adopted. David Martinez to handle.**

**SUPPLEMENTAL AGENDA 3: Memorandum & Resolution**

- C7E A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 251-2013TC, For Design/Build Services For Neighborhood No. 13: Palm & Hibiscus Islands Right-Of-Way Infrastructure Improvement Project; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Lanzo Construction Co. Florida, A Miami Beach-Based Vendor; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services Upon Completion Of Successful Negotiations.  
(Capital Improvement Projects)  
**(Memorandum & Resolution)**

**ACTION: Resolution 2013-28251 adopted. David Martinez to handle.**

**July 19, 2013 at 4:55:00 p.m. and 5:16:00 p.m.**

- C7F A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee And Further Authorizing The Administration To Proceed To The Next Phase Of The Collins Park Garage (Collins Park Place) Project.  
(Capital Improvement Projects)  
**(Resolution)**

**ACTION: Item separated for discussion by Vice-Mayor Tobin. Resolution No. 2013-28289 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **David Martinez to handle.**

Commissioner Weithorn explained that she wanted everyone to make sure they had seen what the concrete would look like before the Commission votes on it. This is the Collins Garage, the one issue the public was concerned is what it will look like. She wants the public to see it.

Presentation made by Gustavo Berenblum of Berenblum Busch.

Mayor Bower inquired if the architects were aware of the public comments regarding the 1111 Lincoln Road project.

Mr. Vega responded that they believe the project will be beautiful in concrete, and the architect

hopes the Commission will approve it with the materials approved by Zaha Hadid.

Commissioner Libbin stated that he saw the completed presentation at Neighborhood, and the Commission needs to move forward as quickly as possible on this; he moved the item as the architect designed it.

Handout or Reference Materials:

1. Book titled Zaha Hadid, 1950, The Explosion Reforming Space.

- C7G A Resolution Re-Appointing Mr. Warren Bittner, Esq. To Serve As Special Master For Appeals Of Decisions Of The City's Historic Preservation Board Until September 16, 2016, And Setting The Compensation At \$100.00 Per Hour With A Maximum Payment Of \$500.00 Per Case.  
(City Clerk's Office)

**ACTION: Resolution 2013-28252 adopted. Rafael E. Granado to handle.**

- C7H A Resolution Amending Resolution 2013-28187, To Authorize, Pursuant To Sections 118-537(B)(3) And 142-108(G)(3) Of The Miami Beach City Code, The Payment Of \$2,436.00 To Murray Greenberg, Esq. As Reasonable Fees And Expenses For The Services Rendered As Special Master In The Appeal Of "In Re: 42 Star Island Drive, Miami Beach, FL," Case No. HPSM-13-001, DRB File No. 22936.  
(City Clerk's Office)

**ACTION: Resolution 2013-28253 adopted. Rafael E. Granado to handle.**

- C7I A Resolution Amending Resolution No. 2012-27928, Which Authorized A Contract With Bob Murray & Associates To Assist The Mayor And City Commission In The City Manager Selection/Hiring Process; Said Amendment Increasing The Original \$25,000.00 Not-To-Exceed Contract Amount By \$2,000.00, For A New Total Not-To-Exceed Amount Of \$27,000.00, Due To Unforeseen Expenses And Authorizing The City Attorney To Execute Any Required Amendment To The Contract.  
(Human Resources/City Attorney's Office)

**ACTION: Resolution 2013-28254 adopted. Sylvia Crespo-Tabak and the City Attorney's Office to handle.**

- C7J A Resolution Approving And Authorizing The City Manager To Execute An Independent Contractor Agreement, In An Amount Not To Exceed \$50,000, With Jorge G. Gomez, AICP (Contractor), For A Period Of Five (5) Months, Commencing Retroactively On July 1, 2013, And Ending On November 30, 2013, For Professional Services Related To The Miami Beach Convention Center Project (RFQ No. 22-11/12).  
(Human Resources)

**ACTION: Resolution 2013-28255 adopted. Sylvia Crespo-Tabak to handle.**

**12:07:26 a.m.****SUPPLEMENTAL AGENDA 5: Memorandum**

C7K A Resolution Accepting The Recommendations Of The Finance And Citywide Projects Committee Regarding The City Of Miami Beach Self-Funded Health Care Insurance Plans And Directing The Administration To Take Action Accordingly.

(Human Resources)

**(Memorandum)**

**ACTION: Item separated for discussion by Commissioner Wolfson. Resolution 2013-28256 adopted.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Tobin; Voice vote; 7-0. **Sylvia Crespo-Tabak to handle.**

Commissioner Wolfson separated the item but after receiving some additional information, he has no problem with the item. He explained that the Finance and Citywide Projects Committee recommended keeping the same plan and during the next fiscal year, possibly look for something else. There will not be any increase to the cost to the employees.

Commissioner Libbin stated that since the benefits are being lowered, in effect it is a raise in the premiums.

Kathie G. Brooks, Assistant City Manager, explained that this is accepting the Finance Committee's recommendation. It is to maintain the current plans, move them to a fiscal year in 2014, and make the amount that the City pays for each of the plans more comparable. Therefore, this is simply maintaining the current plans and directs the Administration to move to the fiscal year. The City will also require the Administration to do an analysis to find a more equitable distribution as to what the City pays for each of the different plans.

**July 19, 2013 at 4:55:29 p.m.**

C7L A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its May 13, 2013 Meeting To Adopt The Budget Advisory Committee's Proposed Policies And Guidelines In Order To Ensure Long Term Pension Reform.

(Human Resources)

**ACTION: Item separated for discussion by Vice-Mayor Tobin. Resolution 2013-28290 adopted.** Item heard in conjunction with C2F and C7W. Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 6-0; Vice-Mayor Tobin Absent. No discussion held. **Sylvia Crespo-Tabak to handle.**

**SUPPLEMENTAL AGENDA 1: Resolution****12:20:13 p.m.**

C7M A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Authorize The City Of Miami Beach To Partner With Miami-Dade County Public Schools And The Anti-Defamation League To Implement A Citywide Anti-Bullying Program For The 2013-14 School Year And Authorizing The Implementation Of The Program As Set Forth Herein.

(Organization Development Performance Initiatives)  
**(Resolution)**

**ACTION: Item separated for discussion by Mayor Bower and Commissioner Góngora. Resolution 2013-28257 adopted.** Motion made by Commissioner Góngora: seconded by Commissioner Exposito: Voice vote: 6-0; Absent: Commissioner Libbin. **Leslie Rosenfeld to handle.**

Mayor Bower separated this item only so the members of the School System that are present can speak.

Commissioner Góngora stated that the City would be working with the Anti-Defamation League to implement an anti-bullying program. He introduced Dr. Leslie Rosenfeld, so she could explain the wonderful program that is being planned.

Dr. Leslie Rosenfeld, Organizational Development and Training Specialist, explained that the City is working together with the Anti-Defamation League to develop a citywide anti-bullying community event. The City has met with the Miami-Dade County Public Schools and the Anti-Defamation League. The tentative date for the event is September 29, 2013. At the event, there will be representatives from the Miami-Dade County Public Schools and the Anti-Defamation League, and potentially a special guest. Dr. Rosenfeld invited the Mayor and the Commissioners to the event.

Deborah A. Mantilla, Office of Student Services of the Miami-Dade County Public Schools, spoke. City Schools that participate will be designated "No Place for Hate Schools." They are working on a Community event to show an anti-bullying video. The Miami-Dade County Public Schools strongly support the City on this initiative.

Dr. Rosenfeld explained that because of each school in our City is participating, the City will be designated "A Community of Respect" by the Anti-Defamation League.

Commissioner Góngora inquired if the City has had any success in finding a major sports figure to participate in the event. Dr. Rosenfeld explained that the City is working on this issue. Commissioner Góngora volunteered to help the City in obtaining a well-known sports figure to assist.

**12:25:30 p.m.**

C7N A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Authorizing The Mayor To Enter Into An Agreement, Acceptable To The City Attorney And The City Manager, With The Miami Beach Chamber Of Commerce, The Children's Trust, North Bay Village, The Town Of Bay Harbor Islands, The Town Of Surfside, And Bal Harbour Village To Implement The Nurse Initiative For The 2013-2014 School Year With Previously Appropriated Funding In The Amount Of \$30,500 From The Miami Beach Education Compact Fund For FY 2012/13 For The City Of Miami Beach's Proportionate Share Of Funding For The Nurse Initiative.  
(Organization Development Performance Initiatives)

**ACTION: Item separated for discussion by Mayor Bower and Commissioner Libbin. Resolution 2013-28258 adopted.** Motion made by Commissioner Exposito: seconded by Commissioner Góngora Voice vote 6-0; Commissioner Libbin recused himself. **Leslie Rosenfeld to handle.**

Mayor Bower separated this item only so the members of the School System that are present can speak.

Leslie Rosenfeld, Organizational Development and Training Specialist, spoke.

Wilma Steiner R.N., from the Miami-Dade County Public School, stated that it is a national model, and everyone is trying to learn how Miami Beach did it. Every school in the City will be covered, and will have health coverage.

Ruby Navarro spoke on behalf of the Superintendent of the Miami-Dade County Public Schools, thanked the City, the Chamber of Commerce and the other municipalities.

Commissioner Weithorn stated, for the record, that without the City of Surfside, the Town of Bay Harbour and North Bay Village this would not have happened, and she thanked them for collaborating with us.

Ruby Navarro, Miami-Dade County Public Schools, stated that they have visited the other cities, and she attended the meeting at North Bay Village and this issue came up during their budget discussion.

Handout:

1. Form 8B (Memorandum of Voting Conflict) submitted by Commissioner Libbin (#99)

- C7O A Resolution Authorizing The Miami Beach Chief Of Police To Execute A Multi-Agency Memorandum Of Understanding Between The City Of Miami Beach Police Department And The South Florida Internet Crimes Against Child Operational Task Force That Combat Crimes Committed Against Children, And That Which Prevents The Criminal Exploitation Of Children Committed And/Or Facilitated By Or Through The Use Of The Internet And Computers, And To Disrupt And Dismantle Organizations Engaging In Such Activity.  
(Police Department)

**ACTION: Resolution 2013-28259 adopted. Police Department to handle.**

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals, Pursuant To Request For Proposals (RFP) No. 01-2013ME, For Unarmed Security Guard Services.  
(Police/Procurement)  
**(Resolution)**

**ACTION:** Item deferred.

- C7Q A Resolution Retroactively Approving An Additional Service Agreement With CDM-Smith For Work On The Stormwater Management Master Plan Relative To Neighborhood Concurrency Reviews, A Public Meeting, And Additional Model Runs Requested As A Result Of That Meeting.  
(Public Works)

**ACTION:** Item withdrawn.

- C7R A Resolution Setting A Public Hearing For September 11, 2013, To Consider A Revocable Permit Request By First Street Development, LLC, As The Owner Of The Commercial Property Located At 800 First Street, To Construct Four (4) Concrete Eyebrows That Project Over And Into The Public Right-Of-Way, At A Minimum Horizontal Dimension Of 2'-2" At 9'-6" Above The Sidewalk, To A Maximum Horizontal Dimension Of 5'-0" At 9'-8" Above The Sidewalk.  
(Public Works)

**ACTION: Resolution No. 2013-28260 adopted.** Rafael E. Granado to notice. Lilia Cardillo to place on the September 11, 2013 Commission Agenda if received. **Eric Carpenter to handle.**

**City Clerk's Note:** Corrections:

Page 391, 1<sup>st</sup> Paragraph under **BACKGROUND:**

Public Works received ....located on the south side of First Street between Jefferson Ave. and ~~Miami Ave.~~ and Washington Ave. (Platted as Miami Avenue).

**SUPPLEMENTAL AGENDA 3: Memorandum and Agreement**

C7S A Resolution Approving And Authorizing The City Manager To Execute An Agreement Between The City And The Florida Department Of Transportation (FDOT), For The FDOT To Install, Maintain, And Operate A Global Positioning System (GPS) Reference Station Which Includes Antenna, Receiver, And Communication Equipment At The Tennis Center Building In Flamingo Park, Located At 1200 Meridian Avenue.

(Public Works)

**(Memorandum of Agreement)**

**ACTION: Resolution 2013-28261 adopted. Eric Carpenter to handle.**

**July 19, 2013 at 5:13:57 p.m.**

C7T A Resolution Accepting The Recommendation Of The Joint Neighborhood/Community Affairs Committee And Land Use And Development Committee To Proceed With Phase 2 Of The Atlantic Greenway Network Master Plan Update And Endorsing The Administration's Recommendation Of A Proposal From Atkins North America, Inc. And Streetplans Collaborative For Phase 2 Of The Atlantic Greenway Network Master Plan Update Subject To Funding Approval In The FY 2013/14 Capital Budget.

(Public Works)

**(Resolution)**

**ACTION: Item separated for discussion by Commissioner Libbin.** Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice-vote 6-0; Absent: Vice-Mayor Tobin. **Resolution 2013-28291 adopted as amended, accepting to conduct Study/Proposal # 3. Eric Carpenter to handle.**

Commissioner Libbin explained that this is the Atlantic Greenway network, and there were three (3) options for studies. Staff recommended the second option, which was \$154,000. The third option is one that he believes should be discussed. The total cost for option three is a \$26,000 difference. What the third study does that the second one does not, for an additional \$26,000, is it gives a 20-year perspective, and it analyzes current projects as well as telling the City, at an insignificant cost, construction schedules for projects that are underway. We may not use them or do them, but to have the knowledge and a 20-year perspective as to how the Atlantic Greenway network might be impacted is worth \$26,000, said Commissioner Libbin. He recommends spending the additional money. Commissioner Libbin suggests going for proposal 3. Proposal 3 would look at projects that are in construction or in the advance stage of design, the projects will be analyzed, unlike in proposal 2. Two types of recommendations will be provided in Proposal 3: The team will provide short-term recommendations that do not require a change in pavement width, and can be implemented with low cost and minimal impact to construction schedules. They will also give long-term recommendation that would affect pavement width and affect construction schedule.

**City Clerk's Note:** Corrections:

Page 416, under section "City Clerk's Office Legislative Tracking" it should read: Public Works Department.

**SUPPLEMENTAL AGENDA 3: Resolutions**

C7U Approve Assignment To Existing Agreements Between The City And Corzo Castella Carballo Thompson Salman, P.A. ("C3TS") (As Assignor), To Stantec Consulting Services Inc. (As Assignee):

1. A Resolution Approving An Assignment To The Existing Agreement Between The City And Corzo Castella Carballo Thompson Salman, P.A. (C3TS Or Assignor) For The Establishment Of A Pre-Approved List Of Professional Construction Engineering And Inspection (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis To Stantec Consulting Services Inc. (As Assignee); With Such Assignment To Be Retroactively Effective To November 30, 2012.

**ACTION: Resolution 2013-28262 adopted. Alex Denis to handle.**

2. A Resolution Approving An Assignment To The Existing Agreement Between The City And Corzo Castella Carballo Thompson Salman, P.A. (C3TS Or Assignor) For A Design Criteria Professional To Prepare The Design Criteria Package For The Palm And Hibiscus Neighborhood Right-Of-Way Improvement Project To Stantec Consulting Services Inc. (As Assignee); With Such Assignment To Be Retroactively Effective To November 30, 2012.

**ACTION: Resolution 2013-28263 adopted. Alex Denis to handle.**

3. A Resolution Approving An Assignment To The Existing Agreement Between The City And Corzo Castella Carballo Thompson Salman, P.A. (C3TS Or Assignor) For A Design Criteria Professional To Prepare The Design Criteria Package For The Sunset Islands 3 & 4 Neighborhood Right-Of-Way Improvement Project To Stantec Consulting Services Inc. (As Assignee); With Such Assignment To Be Retroactively Effective To November 30, 2012.

**ACTION: Resolution 2013-28264 adopted. Alex Denis to handle.**

4. A Resolution Approving The Assignment Of The Contract For Professional Construction Engineering And Inspection (CEI) Firms To Provide Various CEI Services On An "As Needed" Basis (No. 52-11/12) Between The City And Corzo Castella Carballo Thompson Salman, P.A. ("C3TS") (As Assignor), To Stantec Consulting Services Inc. (As Assignee); Upon Completion Of Successful Negotiations.

(Procurement)

**(Resolutions)**

**ACTION: Resolution 2013-28265 adopted. Alex Denis to handle.**

**July 19, 2013 at 4:59:30 p.m.**

C7V A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2013/2014, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program, The Home Investment Partnership (HOME) Program, The Fiscal Year 2012/2013 State Housing Initiatives Partnership (SHIP) Program And Value Added Enhancement Funds; Amending The FY 1994-2011 Action Plans, Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution (Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan); Authorizing The City Manager To Extend The Expiration Dates Of Said Agreements When Necessary; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements For Sub-Recipients Of CDBG, HOME, SHIP And Value Added Enhancement Funds; And Authorizing The Appropriation Of All Federal And State Funds When Received.

(Real Estate, Housing & Community Development)

**ACTION: Item separated for discussion by Commissioner Góngora. Resolution 2013-28292 adopted, and item R9U referred to the Finance & Citywide Projects Committee.** Motion by Commissioner Góngora to pass the item, with a referral to the Finance & Citywide Projects Committee of his item R9U relating to funding the meals distributed by Little Havana Activities & Nutrition Centers; seconded by Commissioner Exposito. Voice-vote: 6-0; Absent Vice-Mayor Tobin. **Patricia Walker to place on the committee and Maria Ruiz to handle.**

**REFERRAL:**

Finance and Citywide Projects Committee

Commissioner Góngora stated that this item ties with his discussion item R9U, which is about the meals provided by the Little Havana Nutritional Center. As the Commissioners know, due to sequestration there have been cuts in the food provided to our lunch centers and "comedores." He has taken the brunt of fundraising, which Commissioner Wolfson first undertook, to privately fund the feeding of the elderly. Commissioner Góngora has raised approximately \$8,500; however, Commissioner Góngora cannot continue to help finance these meals privately any longer. There is some money being awarded in C7V, roughly \$20,000, which goes to the City of Miami Beach for emergency services. Until the County gets this straighten out, Commissioner Góngora is proposing to utilize a portion of the \$20,000 to help the Little Havana Nutritional Center to feed our elderly.

Mayor Bower stated that she raised money also, and sent the money to Little Havana and Federation Towers, as they too are suffering. She is concerned that the \$20,000 is used and already allocated for many things.

Maria Ruiz, Community Services Division Director, spoke. One of the conditions of the RFP was that agencies that are applying for public service dollars could only submit one application. Little Havana submitted and received funding for a childcare center, so therefore it is prohibited from receiving a second source of money from that pot. The second issue is that the \$22,000 will be used by the City as leverage in order to apply for emergency food and shelter grant money, which provides rent, utility and food assistance. Without that leverage, the City cannot apply for that money/grant. This allows the City to maximize the amount of additional funds it receives, and

honors the conditions of the RFP.

Commissioner Libbin stated that he has an alternate suggestion. If you look at page 480 of the agenda materials, under "other," the City takes a 20% administration fee, which is \$190,715, and he asked the Administration to demonstrate at our budget meetings, whether in fact all of that money is being used or if it is being duplicated. If people are already in the budget, this should be demonstrated that a portion of the salary is being spread. Could this money be used for food?

Mayor Bower stated that said money is for administration of the grant, and cannot be utilized for anything else. Commissioner Weithorn concurred that they money cannot be utilized as suggested by Commissioner Libbin.

Mayor Bower explained that this money could not go towards food. She added that if they are not funding fully for CDBG, money can be freed up from the general fund and maybe go to the food for the elderly, but individuals would have to work 100% of the time in CDBG.

Maria Ruiz, Community Services Division Director, stated that no one in the department works 100% of the time for CDBG. She explained that \$190,000 is an administrative portion, and represents portions of the salary for the CDBG Coordinator, the Financial Analyst and the Department Director. Clerical personnel are partially funded through General Funds.

Discussion continued.

Commissioner Libbin asked where they stand on other options. City Manager Morales had sent an e-mail a month or so ago, saying please stop funding or raising money, because he was going to get a comprehensive answer from the County. Commissioner Libbin had suggested forming a coalition with United Way, Christian Charities, Jewish Federation, etc. The Manager said hold-on because he was going to get a comprehensive answer. Commissioner Libbin inquired as to the status of the Manager's efforts before the Commission tries to solve the problem. We could pull out money from the City's contingency emergency funds, Commissioner Libbin suggested.

Ms. Ruiz stated that the cuts made are part of the sequester, and announced that there are additional cuts that are taking place on July 22, 2013. These cuts for this year are expected to be permanent. Come January 1, 2014, the existing cuts will be what the City will receive for the new year, and additional cuts are expected for the new fiscal year. Multiple layers of cuts will take effect. The County agreed to give interim money a few months ago, but the argument from Little Havana was that those are funds that covered prior cuts; not those affected by sequester.

Commissioner Libbin stated that the intent was to give money to feed the elderly; not to fund other projects. Commissioner Libbin stated that we need to know where we are, what is in the pipeline for aid being cut, and what is being funded. Then we can make an intelligent decision as to what is needed, and where to find it.

Commissioner Góngora made a motion to pass the item, and refer it to the Finance and Citywide Projects Committee.

Commissioner Weithorn stated that this was already in Finance and Citywide Projects Committee, so it may be heard as old business.

Discussion continued.

Commissioner Wolfson stated that he went to the vendor and found out it cost \$2.74 a meal. He cut a check in May 2013 for the food. Then Little Havana got fussy, because they get administration dollars. If the City is doing it ourselves, we can do it as the City deems fit, stated Commissioner Wolfson.

Commissioner Weithorn stated that if the City did it, it would cost more money.

Commissioner Wolfson stated that it is not that much in the grand scheme of things. We can find some general fund money to buy some meals.

Commissioner Weithorn suggested that it should be taken up by Finance.

Mayor Bower stated that Little Havana has to pay the overhead, regardless of the number of people they feed.

Commissioner Wolfson stated that he paid \$1,200 to pay for one week of food to the elderly.

Mayor Bower questioned the total overhead being charged by Little Havana Nutritional Services.

Rick Kendle spoke. Mr. Kendle stated that this matter is urgent as the elderly are going hungry. He requested that this should be the first item heard in the next Finance meeting. Commissioner Weithorn stated that they would take the item at Finance.

Commissioner Góngora restated the motion to pass C7V, with a referral of his item R9U, on to how to finance the meals to the Finance Committee.

City Clerk's Note: See also item R9U.

#### **New item**

**5:13:15 p.m.**

Commissioner Weithorn announced high school students in the audience from Atlanta and welcomed them.

#### **July 19, 2013 at 4:55:29 p.m.**

C7W A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 6 To The Neighborhood Stabilization Program 1 (NSP1) Subgrant Agreement Between The City And The State Of Florida Department Of Economic Opportunity (DEO) Modifying The Expiration Date Of The Subgrant Agreement, From August 15, 2013 To February 15, 2014.

(Real Estate, Housing & Community Development)

**ACTION: Item separated for discussion by Vice-Mayor Tobin. Resolution 2013-28293 adopted.** Item heard in conjunction with C2F and C7L. Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 6-0; Vice-Mayor Tobin Absent. No discussion held. **Maria Ruiz to handle.**

- C7X A Resolution Approving And Authorizing The City Manager To Execute A Month-To-Month Extension Of The City's Contract With The Salvation Army, For The Provision Of Thirty-One (31) Shelter Beds To Be Used To Provide Emergency Shelter To The City's Homeless Population, At A Cost Of \$19,220 Per Month, With Such Extension Commencing On October 1, 2013, And Ending At Such Time That A New Contract For The Provision Of Such Services Is Approved And Executed.

(Real Estate, Housing & Community Development)

**ACTION: Resolution 2013-28266 adopted. Maria Ruiz to handle.**

- C7Y A Resolution Retroactively Approving And Authorizing The Acceptance Of \$8,688 In Sponsorships Made To The City For The Annual Fourth Of July Celebration, A Free Event.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2013-28267 adopted. Max Sklar to handle.**

- C7Z A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Sole Source Purchase Of Public Performance Rights In An Amount Not To Exceed \$30,500 Annually; For Motion Pictures To Be Shown Free Of Charge At Various Outdoor Locations Including Soundscape, North Shore Band Shell And Other City Parks, From Swank Motion Pictures, Inc., And From Criterion Pictures, USA, Sole Source Holders Of Public Performance Rights For Specific Motion Pictures; And Further Approving Sole Source Purchase For An Additional Two (2) Years Contingent Upon Funds Appropriations.

(Tourism, Culture & Economic Development)

**(Resolution)**

**ACTION: Resolution 2013-28268 adopted. Max Sklar to handle.**

#### **SUPPLEMENTAL AGENDA 1: Resolution**

- C7AA A Resolution Creating A Centennial Celebration Ad-Hoc Committee To Provide Ideas And Recommendations Pertaining To All Matters With Respect To Events And Activities Related To The City Of Miami Beach Centennial On March 26, 2015, And Prescribing The Duties, Manner Of Appointment, And Term Of Office Of Committee Members.

(Tourism, Culture & Economic Development)

**(Resolution)**

**ACTION: Resolution 2013-28269 adopted. Max Sklar to handle.**

- C7BB A Resolution Approving And Authorizing The City Manager To Execute Amendment No. 1 To The Letter Of Understanding Between The City And MCH Swiss Exhibition LTD (MCH), Regarding The Art Basel Event In Miami Beach (Or The ABMB Event).  
(Tourism, Culture & Economic Development)  
**(Resolution)**

**ACTION: Resolution 2013-28270 adopted. Max Sklar to handle.**

- C7CC A Resolution Approving The Selection Of A Public Art Commission For South Pointe Park Pier, By The Artist, Tobias Rehberger, Entitled "Gate" (Working Title), As Recommended By The Art In Public Places Committee And The Neighborhood/Community Affairs Committee And As Approved By The Design Review Board; Further Approving And Authorizing The City Manager To Execute A Contract With The Artist, Tobias Rehberger, For The Design, Fabrication, Installation Of Aforestated Work Of Art; And Approving Funds, In An Amount Not To Exceed \$89,177, As Follows: Fund 147 - Art In Public Places From South Pointe Park Pier Project, \$64,177 And \$25,000, Capital Budget South Pointe Park Pier Construction Fund, Previously Appropriated As Part Of The FY 2010/11 Capital Budget.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2013-28271 adopted. Max Sklar to handle.**

- C7DD A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee To Establish Working Groups To Identify And Implement Procedures And Monitoring Guidelines To Address The Recommendations Of The Crowe Horwath Performance And Operational Audit.  
(Requested by Commissioner Deede Weithorn)  
**(Resolution)**

**ACTION: Resolution 2013-28272 adopted. Patricia Walker and Joe Jimenez to handle.**

**12:23:57 p.m.**

- C7EE A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its June 25, 2013 Meeting And Supporting The Recommendations Of The Miami-Dade County And Miami-Dade County Public Schools' Joint Roundtable On Youth Safety To The Extent That Funding Is Available.  
(Organization Development Performance Initiatives)

**ACTION: Item separated for discussion by Mayor Bower. Resolution 2013-28273 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Exposito: Voice vote: 6-0; Absent: Commissioner Libbin. **Parks and Recreations Department to handle.**

Mayor Bower separated this item only so the members of the school system that are present can speak.

Deborah A. Mantilla, Office of Student Services of the Miami-Dade County Schools, spoke. In light of tragedies that have happened across the nation and locally, the Mayor of Miami-Dade County and the Superintendent of Miami-Dade County Schools convened the roundtable for

youth safety. Many of the local mayors, commissioners and chiefs of police were involved in the initiative as well. There is a community action plan, and there have been recommendations in four different areas; the City of Miami Beach is not only supporting the implementation of the plan, but also is on its way to meet many of the recommendations of the action plan. She congratulated the City.

C7FF A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Purchase Of Parking Meter Expanded Housing And Electronic System From Duncan Industries Parking Control Systems Corp.; And Single Space Parking Meters, Accessories And Software From Mackay Meters, Inc. By The City's Parking Department For The Maintenance And Operation Of Single Space Parking Meters Citywide.

(Parking Department)  
**(Resolution)**

**ACTION: Resolution 2013-28274 adopted. Saul Frances to handle.**

**SUPPLEMENTAL AGENDA 2:**

**SUPPLEMENTAL AGENDA 3: Resolution (Formerly Item C2D)**

C7GG A Resolution Approving A Contract Award, Pursuant To Invitation To Bid No. 173-2013TC, For The Reconstruction Of Surface Parking Lots 12X And 17X, In The Amount Of \$573,000, Plus A Contingency Amount Of \$57,300; With Previously Appropriated Funding In The Amount Of \$605,244 From 480 - Parking Operations Fund; And A Contingency Amount Of \$25,056 From 480 - Parking Operations Fund, Subject To Appropriation Through The Fiscal Year 13/14 Capital Budget Process, For A Total Amount Of \$630,300.

(Capital Improvement Projects/Procurement)  
**(Resolution)**  
**(Formerly item C2D)**

**ACTION: Resolution 2013-28275 adopted. David Martinez and Alex Denis to handle.**

**End of Consent Agenda**

**REGULAR AGENDA****R5 - Ordinances****1:13:11 p.m.****SUPPLEMENTAL AGENDA 3: Estimates from Miami-Dade Elections Department**

R5A An Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections," By Including Reference To Applicable Statutory Provisions Of Florida Election Code; Correcting Typographical Errors; Amending City Code Section 38-4 To Provide For Commission Canvassing Of Election Returns On The First Business Day Immediately Following The County Supervisor Of Election's Issuance Of Final Election Returns And Confirming Authorization Of Emergency Commission Action Taken At Any Commission Meeting Occurring Between General Election Date And Acceptance Of Final Run-Off Election Returns; Amending City Code Section 38-6 By Establishing The Number Of Days For Early Voting Relative To City General, Run-Off And Special Elections Upon City Commission Authorization Of Early Voting, And Authorizing City Commission To Change Early Voting Schedule For Elections Not Held In Conjunction With County Or State Elections; And Creating City Code Section 38-7 Entitled "Petitions" Establishing Information To Be Provided By Petition Circulators And Persons Signing Initiative, Referendum And/Or Recall Petitions; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m. Second Reading Public Hearing**

(Requested by Neighborhood/Community Affairs Committee)

(Legislative Tracking: City Attorney's Office)

(First Reading on June 5, 2013)

**(Estimates from the Miami-Dade Elections Department)**

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3804 adopted.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 7-0. **City Attorney's Office and Rafael E. Granado to handle.**

Debora Turner, First Assistant City Attorney, explained the item. Ms. Turner stated that the proposed ordinance establishes early voting days for the City for 14 days in stand-alone elections; changes the date when the Commission accepts the election results from the date after the election to the first business day after the County issues its final election results; it insures ballots integrity by providing for petition requirements that are provided in the City Charter; and includes cleanup language.

Commissioner Libbin stated that he wants to be sure that we are accurate in what is being reflected on the financial impact. He added that the additional cost is only when we have a regular stand-alone municipal election.

Rafael E. Granado, City Clerk, explained that the cost referenced in the memorandum was only for City stand-alone elections.

Commissioner Wolfson asked if this is prospective. Mr. Smith replied "Yes," on the petition issue.

Commissioner Wolfson inquired as to where the Office of the City Attorney obtained the statement being proposed for "circulators" that is referenced in the Ordinance, and why is it best practice? Ms. Turner stated that said language is found in many of the Ordinances in the County

and State for petitions. Commissioner Wolfson proceeded to read the new proposed language. Mr. Smith stated that this is also the way the County does it. Mr. Smith and Ms. Turner stated that no notary verification of signatures was required by the proposed ordinance.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 787

**1:18:10 p.m.**

R5B An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 1, Entitled "Generally," By Amending Section 2-22, Entitled "General Requirements," To Provide Procedures For The Filling Of Special Vacancies On The Board Of Adjustment, Planning Board, Design Review Board, And Historic Preservation Board; By Amending Section 2-24, Entitled "Termination Of Office Of Agency, Board And Committee Members," To Amend The Exception Provisions To Include Special Vacancies Filled Pursuant To Section 2-22 (21); And Providing For Repealer, Severability, Codification, And An Effective Date.

**10:30 a.m. Second Reading Public Hearing**

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: City Attorney's Office)

(First Reading on June 5, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3805 adopted.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 7-0. **City Attorney's Office and Rafael E. Granado to handle.**

Commissioner Weithorn stated that this is her item, and it allows and forces public notice when there is a vacancy in a Land Use Board. Commissioner Weithorn stated that this is just a cleanup item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 787

**1:19:41 p.m.****R5C Accessory Setback Encroachments**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date. **10:45**

**a.m. Second Reading Public Hearing**

(Requested by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(First Reading on May 8, 2013/Referred to LUDC)

**ACTION:** Title of the ordinance read into the record. **Item opened and continued.** Motion made by Commissioner Góngora to open and continue the item to the **October 2013** meeting; seconded by Commissioner Weithorn; Voice vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Richard Lorber to handle.**

Handouts and Reference Materials:

2. Ad in The Miami Herald – Ad # 787

**11:59:47 p.m.****R5D Minimum Unit Sizes For Historic Hotels And RM-2 Tower Setbacks**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section 142-155 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-1 District; By Amending Section 142-217 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-2 District; By Amending Section 142-218 To Modify The Tower Setback Requirements Within The RM-2 District; By Amending Section 142-246 To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-3 District; Providing For Codification; Repealer, Severability And An Effective Date. **First Reading**

(Requested by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(Referred to HPB on May 8, 2013)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading as amended.** Motion made by Commissioner Góngora to approve the ordinance; seconded by Vice-Mayor Tobin; Ballot vote: 7-0; Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.**

**Amendment:**

Add to the language accessibility regulations

Richard Lorber, Acting Planning Director, explained the item. This is basically designed to streamline the development process and to reduce the number of variances. There are many variances when a historic hotel is developed. The Historic Preservation Board Reviewed the Item and approved it. Commissioner Góngora stated that the Land Use Committee reviewed the proposed Ordinance as well.

Steve Wernick Esq. stated that the Fire Department is in support of this as per his conversation with Sonia Machen, Fire Marshall. He would add to the language that in addition to life safety regulation, it should include accessibility regulations, which is a State requirement that sometimes is in conflict with historic preservation objectives.

Gary Held, First Assistant City Attorney, explained that the existing room configuration could remain under two circumstances: one the life safety rules and two the accessibility rules. This accommodates accessibility requirements.

Discussion held.

Gary Held stated that they are accommodating accessibility requirement.

**12:11:39 a.m.**

R5E An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Article V, Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," By Amending Section 90-343, Entitled "Public Education Program; Requirements For Recycling Contractors; Warning Period; Enforcement Date," By Extending The Warning Period From June 30, 2013 To December 31, 2013 And Extending The Beginning Of The Enforcement Period From July 1, 2013 To January 1, 2014; By Amending Section 90-345, Entitled "Enforcement," By Extending The Beginning Of The Enforcement Period From July 1, 2013 To January 1, 2014; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Commissioner Jerry Libbin)

(Requested by Neighborhood/Community Affairs Committee)

(Legislative Tracking: Public Works)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 5-0; Absent: Vice Mayor Tobin and Commissioner Libbin; Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Eric Carpenter to handle.**

Commissioner Libbin moved the ordinance on first reading with the suggestion that between first and second reading, the Administration should consider the recommendation of the Sustainability Committee, which is to consider adding in residences that are between two (2) and eight (8) units. **Eric Carpenter and City Attorney's Office to handle.**

Discussion held.

Jose Smith, City Attorney, suggested passing it on first reading and they then will look at it.

Discussion continued.

Commissioner Wolfson asked if there could be collection that does not include the tenants having to bring the bins out to the curb.

Commissioner Góngora stated that they should let the Sustainability Committee answer this question. **Sustainability Committee to handle.**

Commissioner Weithorn explained that there is single stream for multi-family residences and maybe for the buildings with a small number of units could do single stream.

Eric Carpenter, Public Works Director, explained that there is single stream available from the franchise haulers.

Commissioner Wolfson asked if this is more expensive and Mr. Carpenter answered that it is more expensive.

Commissioner Weithorn stated that Commissioner Wolfson raised a good question and suggested asking the franchise haulers as well as one or two others that are not our haulers what the pricing will be. Bring this information to the City Commission for second reading. **Eric Carpenter to handle.**

**12:17:34 a.m.**

**SUPPLEMENTAL AGENDA 2: Memorandum & Resolution**

R5F An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending Section 90-39 Entitled "Fine Schedule For Violations Issued And Applied To Owners, Agents, Tenants, Occupants, Operators Or Managers, Or Persons Responsible For The Violation," By Amending The Fine Schedules For Violations Of Section 90-36 And 90-96 And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-40, Entitled "Fine Schedule For Violations Of Sections 90-98; 90-107; 90-191 Et Seq.; 90-221 Et Seq.; And 90-228 By Private Waste Contractors," By Amending And Providing For Fine Schedules And Violations Consistent With The Provisions In The Referenced Sections And In Sections 90-36, 90-99, And 90-100, And Providing For Consistent Terminology Regarding First And Subsequent Offenses; By Amending Section 90-222, Entitled "List Of Accounts," By Providing Reporting Requirements For Discontinued Accounts Consistent With Section 90-36; Providing For Repealed, Severability, Codification, And An Effective Date. **First Reading**

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: Public Works)

**(Memorandum & Ordinance)**

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 5-0; Vice-Mayor Tobin and Commissioner Exposito. Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Eric Carpenter to handle.**

**12:19:50 a.m.**

R5G An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI, Entitled "Naming Of Public Facilities And Establishment Of Monuments Or Memorials," By Amending Section 82-503, Entitled "Naming Of Public Facilities," By Eliminating The Requirement Of A Referendum In Such Cases When The Facility To Be Named Or Renamed Is City Owned, And Not Already Named For An Individual Or Individuals Pursuant To Section 82-503(a)(4), And The Proposed Name Includes The Name Of The Physical Location Of The Facility Or The Facility To Be Named Or Renamed, Which May Include The Name Of The Park And/OR Street Where The Facility Is Located, Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Requested by the Neighborhood/Community Affairs Committee)  
(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Exposito; Ballot vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Wolfson; Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **City Attorney's Office to handle.**

Raul Aguila, Chief Deputy City Attorney, explained the item. This cleanup came because of the Commission's comments at the last meeting. The City currently has in its naming ordinance a provision that the City is not subject to the referendum procedure when adding the City's name to a facility. The intent of the Commission when adopting the previous ordinance was when adding the City's name, or the purpose, or the street and/or park where the facility sits, not to require a referendum. This proposed ordinance is the cleanup language to adopt the intent.

## **SUPPLEMENTAL AGENDA 5: Memorandum**

**11:36:14 p.m.**

R5H An Ordinance Implementing Provisions Of The 2012-2015 Collective Bargaining Agreement Between The City And The Communications Workers Of America, (CWA) Local 3178; Implementing Similar Retirement Plan Amendments For Members Who Are Not Included In Any Bargaining Unit; Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (Plan) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service For Certain Members; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **First Reading**

(Pursuant to Ratification of the CWA 2012-2015 Collective Bargaining Agreement)

(Legislative Tracking: Human Resources)

**(Memorandum)**

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Wolfson to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-1; Opposed: Vice-Mayor Tobin; Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

Commissioner Libbin asked Kathie G. Brooks, Assistant City Manager, to discuss the analysis regarding pension changes versus that proposed by the Budget Advisory Committee.

Kathie Brooks, Assistant City Manager, presented the guidelines and policies that are being recommended for consideration by Finance.

- I. If the cost of retirement benefit exceeds 25% of payroll for general employees, or 60% payroll for high-risk employees, the City should review and evaluate potential changes between the City and the Unions applicable towards the next contract negotiations. Currently for the general plan, which CWA is part of, is at 40% and scheduled to go down 31% in the next ten years. This change recommended is about a 0.6% change, and it has not been projected in long term, but the actuaries are getting close to the 25%.
- II. This is a policy statement and a guideline statement as differentiated by the BAC. On a policy statement, the recommendation was that the City should fund at least the normal cost of pension, and if it exceeds the amount of the actuarial determined annual required pension contribution, the excess should be placed in a pension stabilization fund to be made available for future pension shortfalls. They are currently contributing both, the normal cost and for the unfunded liability, and they hope that they get close to the normal cost.
- III. As a policy statement, the City should strive to maintain a funded ratio that is 80% in each of its defined benefits plans; and as a guideline if either plans falls below 70%, the City should strive to implement approaches to increase the funded ratio to that level, i.e., 70% over the next five years. Currently the plan is 66% funded, it will go up to 67% funded with this change, but it is projected to be 72% funded, as recommended by the guideline by 2016, and they will get to 80% by 2022.
- IV. As a policy statement, salary gross should not exceed the average actuaries assumed salaries gross in each of the pension plans, and for this plan, it assumes both the impacts of merits and promotions as well as "economic adjustment" of 4% each year, which is basically the COLA. As a policy statement the City should require five (5), ten (10) and twenty (20) year projections of pension contributions as part of the annual actuarial evaluations, and that is something that is not in negotiations with the bargaining units, but something to modify in the pension ordinance, if the Commission endorses the guidelines. They are also recommending an experienced study at least once every three (3) years; this is more for the pension plan, to modify the pension ordinance.
- V. As a policy statement, the BAC recommended that once pension reform is implemented, a 5/7 vote of the City Commission should be required for any further pension changes, and this was deferred by the Finance and Citywide Projects Committee to the City Attorney for further review; that is not in the package for consideration.
- VI. As a policy statement, the City should strive to provide retirement benefits that provide for the replacement of salary at least equivalent to Social Security plus some level of supplemental retirement benefit beyond Social Security. The Social Security benefit is 6.2, the normal cost which is really what the cost of the benefit is to the employee pre 2010 employees is 11.9, so the benefit they are getting above Social Security is 5.7; and 4.6 for post to 2010 employees, and this may be an area the City can look at long term.

- VII. The BAC recommended that the retiree CPI should be subject to City Commission approval with a maximum of 3% annually. Currently they have for pre 2010 employees is 2.5% a year and for post 2010 employees is 1.5% a year, but this is subject to bargaining.
- VIII. As a policy statement, the City should strive to provide return and benefits that ensure that the City is competitive in the recruitment and retention of employees. For this plan the values of 11.9 and 4.6, when compared to Social Security, Social Security is at 4% for regular employees, and that is comparable.
- IX. The City should strive to share some retirement risk with employees, and particularly if it goes above 25% as a guideline, they recommend that additional employee contribution should be reviewed. In 2010 when pension cost went up, the City increased employee contribution by 2%, and the agreement calls for the contribution to be decreased in the future.

Discussion held.

Commissioner Weithorn thanked Richard McKinnon for making this negotiation easy.

Richard McKinnon, CWA President, thanked the Mayor and Commissioners, the City Manager and his team; he also thanked his team. He added that this was a year of negotiations but a good negotiation. He thanked Kathie G. Brooks and her staff for working so hard, also Sylvia Crespo-Taback, Carla Gomez, James (Jim) C. Crosland and Jose Del Risco. He added that they all worked very hard on the behalf of the City Commission.

Discussion continued.

Commissioner Weithorn stated that anytime she asked staff for anything they went to it right away; she never heard a "no." She does not want anybody to underestimate the amount of time that went in from staff. She added that the Union representatives worked just as hard, and were just as responsive in getting information back to her. She does not want anybody to underestimate the amount of hours, effort and passion for getting this done in the best interest of the City.

Commissioner Exposito thanked Richard McKinnon, staff and Commissioner Weithorn. He stated that he saw people receiving a change of clothing at 8:30 a.m. because they did not go to home and sleep the previous night. He also thanked his colleagues for allowing the process to take place.

**11:27:44 p.m.****SUPPLEMENTAL AGENDA 5: Memorandum**

R5I An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group IV, Represented By The Communications Workers Of America (CWA) Local 3178, In Accordance With The Negotiated Collective Bargaining Agreement, Effective October 1, 2012, There Shall Be An Increase Of Eleven Percent (11%) To The Maximum Wage For The Classifications Of Lifeguard II And Lifeguard Lieutenant; Effective The First Pay Period Ending In October Of 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**

(Pursuant to Ratification of the CWA 2012-2015 Collective Bargaining Agreement)

(Legislative Tracking: Human Resources)

**(Memorandum)**

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Wolfson to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson Second reading and Public Hearing scheduled for September 11, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

Commissioner Libbin stated that the pay range should not be extended and the employees should instead get a non-pensionable one-time bonus, and not extend the pay ranges. He explained that the money would not be taken away. The ranges could periodically, maybe every 5 years, be reviewed and adjusted if necessary. Commissioner Libbin also stated that this proposed salary increase goes to the base; it does not sunset at the end of the contract.

Kathie G. Brooks, Assistant City Manager, explained the item.

Commissioner Wolfson stated that he recommends accepting the deal that was negotiated.

Mayor Bower inquired if you could have a non-pensionable bonus. Ms. Brooks explained that for sworn Police and Fire employees all payments are pensionable, for this Union, you could have a non-pensionable bonus.

Jim C. Crosland, Esq., explained that pensionable provisions depend on which bargaining unit was being referred to. Mr. Crosland explained that if you wanted to do something different from what has been negotiate with the CWA, you can have a bonus that is non-pensionable, but the Administration would have to renegotiate that with the Union because they have ratified the proposed contract. Mr. Crosland added that all compensation for the Police and Fire is generally pensionable. That comes from a special State Statute.

Commissioner Libbin stated that he is not only referring to pensionable or non-pensionable pays, he just does not want to extend the pay ranges.

Commissioner Góngora stated that the Union had voted to approve the deal in anticipation of tonight; can we now change the deal that has been approved by the Union? Mr. Smith stated that the Union would have to have another ratification vote. The City would have to collectively bargain any change.

**R7 - Resolutions****July 19, 2013 at 1:59:03 p.m.****SUPPLEMENTAL AGENDA 1: Resolution**

R7A A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2013/14, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.  
(Budget & Performance Improvement)  
**(Resolution)**

**ACTION: Resolution No. 2013-28294 adopted as amended by reducing by 0.2 mills.** Motion made by Commissioner Libbin; seconded by Vice-Mayor Wolfson; Voice-vote: 7-0; **John Woodruff to handle.**

**Amendment:**

Reduce Millage by 0.2

**TO DO:**

Inform the City Commission and the public, via LTC, lay out the timing of the process, cost and impact to the budget updated regularly so if an emergency meeting is needed it can take place.

**Clerk's Note: See LTC 275-2013**

Kathie G. Brooks, Assistant City Manager, introduced John Woodruff, Budget Department Director, and explained the item. The Administration is recommending keeping the millage flat and identify in August what additional reductions can be done.

Slide and PowerPoint presentation shown by John Woodruff, Budget Department Director.

Commissioner Libbin explained that from his experience over the years, they have had many millions to find to balance the budget, and they always find the money. His concern in going flat now is that there will be no urgency to find a few more dollars, so he would like to propose to reduce the 6.8% projected increase in property tax revenues in half 3.4%, with a reduction of 0.2 in the millage rate. By this reduction, we will need to find about \$4 million more over the summer. He knows this can be done.

Kathie G. Brooks, Assistant City Manager, stated that the millage is now 6.0909. If reduced as Commissioner Libbin suggested it would be 5.8909.

Commissioner Libbin stated that on page 702 it states that they are projecting a 6.8% increase in property tax revenue, and he is requesting to reduce that by half to 3.4%. By his calculations, 0.2 mills will equate to \$4 million.

Kathie G. Brooks, Assistant City Manager, stated that her concern is that we do not have ratified Union contracts.

Commissioner Libbin stated that this is exactly why he wants to reduce it. He wants everyone to understand that they are serious about cutting the expenditures and wants the Unions to ratify the

contracts as negotiated. He also stated that he wants people to understand that there are commercial properties that bring millions of dollars in resort taxes and do not get the benefit of the Save Our Homes cap. He wants the pressure on everybody to give back to the public.

Commissioner Wolfson applauded Commissioner Libbin for his idea and added that they should embrace his suggestion.

Vice-Mayor Tobin also echoed Commissioner Libbin's idea. He added that this is brave of Commissioner Libbin and he is a good steward of the public's trust.

Discussion held.

Kathie G. Brooks, Assistant City Manager, stated that her biggest concern is that the Unions' contracts are not ratified.

Commissioner Weithorn stated that \$4 million is not insurmountable.

Mayor Bower needs to understand the steps if Union contracts are not reach, what are our options if we need to back.

John Woodruff, Budget Department Director, explained that if August 4<sup>th</sup> passes, and the notices go out and we need to change those amounts, we would have to pay for a special mailing to every property owner, which could be hundreds of thousands of dollars.

Discussion continued.

John Woodruff, Budget Department Director, explained that such mailing would need to be timed and done before we get to the public hearing.

Commissioner Weithorn stated that the timing is important and we need to understand it and have checkpoints in case we need to change it.

Discussion continued.

Mayor Bower stated that she is concern because there are certain cuts that she will not agree to make and she will never agree to increase Park fees. She added that if this can be done without increasing the Park fees, she is agreeable with this.

Commissioner Góngora stated that \$4 million dollars in the budget could be found. This will add pressure to the FOP to ratify the contract. He added that normally he is not in favor of actions that are fiscally imprudent, and this is taking a little bit of a risk but it will be good for the property owners.

Discussion continued.

**Motion by Commissioner Libbin to reduce the millage rate by 0.20; seconded by Commissioner Wolfson.**

**Motion by Commissioner Weithorn to receive information on the noticing. John Woodruff to handle.**

Kathie G. Brooks, Assistant City Manager, stated that her concern is that we may be giving them some negotiating advantage by lowering before the contracts are ratified.

Discussion continued.

Commissioner Libbin stated that they made a policy decision to achieve for the residents a roll back of 22%, and we said that we would target that each year to get closer to it. His concern is only the taxpayers. We have given good deals to the Unions and negotiated in good faith, and we will deal with that when the time comes.

Discussion continued.

Vice-Mayor Tobin stated that perhaps the millage should be set before the negotiations with all the Unions because that pushes the negotiations. He understands that they are putting pressure on the Administration.

Commissioner Weithorn stated for the record that her concern is over the Union numbers, and wants the public to understand that if the Unions do not negotiate, and we take this action, it will be very hard to undo it. We will be at an impasse, and the pension savings that we just discussed will only happen if we have an agreement by September 30<sup>th</sup> in order for it to count for the next fiscal year. She added that those saving would go away if we delay, and the only way to get the savings will be to cut employees' pay and benefits.

Commissioner Exposito stated that they made a promise to bring back the millage to what it was before; he shares the concerns but agrees that it is not an obstacle that is not impossible to overcome.

A Voice vote was taken on the motion: 7-0.

**Motion made by Commissioner Weithorn requesting the Administration to lay out the timing and the process so that in the event something should happen the information on the impact to the budget needs to be updated regularly and the public needs to know it. She emphasized the need to be informed of the dates, costs, etc. in order to have an emergency meeting if necessary. This could be done via LTC; seconded by Commissioner Exposito; Voice vote 7-0.**

Handout or Reference Materials:

1. FY 2013/14 Proposed Millage Rate PowerPoint presentation

**July 19, 2013 at 2:25:35 p.m.**

**SUPPLEMENTAL AGENDA 1: Resolution**

R7B A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2013/14; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget & Performance Improvement)  
**(Resolution)**

**ACTION: Resolution No. 2013-28295 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice-vote: 7-0; **John Woodruff to handle.**

John Woodruff, Budget Director, made a presentation.

Commissioner Libbin explained that Normandy Shores residents are supportive of Option 1, which is lowering the millage.

John Woodruff, Budget Director, explained that there is a problem with the security gate. He added that there is a budget to repair and maintain the gate of about \$11,000, but the year-to-date expenditures is about \$30,000. City staff has been working on that gate and are trying to find a long-term solution, but funds need to be made available. In order to find a long-term solution, we need \$40,000. We need to work closely with Property Management to find exactly how much money is needed for a solution.

Eric Carpenter, Public Works Director, explained the gate is installed in a way that is not practical; and as a result they are having issues of damage to the gate by vehicles; they are able to recover the cost of the damages by vehicles via subrogation, but based on difficulties identifying license plates, only about 50 to 60% of the times is this able to be done. They are spending the funds up front to fix the gates and not recovering all of the costs. They are looking at a modified gate and security cameras to identify the vehicles causing the damage, at a cost of approximately \$35,000 to \$40,000 in total.

Discussion held regarding the gate.

Kathie G. Brooks, Assistant City Manager, explained that they get charged the general fund millage plus the special millage for the gate and cameras.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, explained that the current millage for Normandy Shore is 1.1444; the proposed millage is 1.2687 this is an increase of 0.1243 mills. They are lowering the General Fund millage by 0.2; they have an overall .08 mills decrease.

Discussion continued.

Kathie Brooks, Assistant City Manager, explained as per Florida Statutes this is above the maximum increase millage and requires a unanimous vote of the City Commission.

Discussion continued.

Handout or Reference Materials:

1. Presentation

**1:21:06 p.m.**

R7C A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement And Approving An Agreement Between The City And Global Spectrum, LP (Global) For The Operation, Management, Maintenance, Promotion And Marketing Of The Miami Beach Convention Center And Colony Theatre, Based On Those Material And Substantive Terms And Conditions In The Term Sheet Attached As Exhibit "A" To This Resolution; Authorizing And Directing Global And The City Manager And City Attorney's Office To Finalize The Agreement Based On The Approved Term Sheet; Further Authorizing Global And The City Manager And City Attorney's Office To Make Any Non-Substantive And Non-Material Revisions And/Or Additions To The Agreement, As Required, And Authorizing The Mayor And City Clerk To Execute The Final Agreement (Said Agreement Having An Initial Term Of Three (3) Years, Commencing On October 1, 2013, And Ending On September 30, 2016, With Two (2) One Year Renewal Terms, To Be Exercised At The City's Sole Option And Discretion).  
(Tourism, Culture & Economic Development)  
(Deferred on June 5, 2013)  
**(Resolution)**

**ACTION: Resolution No. 2013-28276 adopted as amended.** Motion made by Vice-Mayor Tobin; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Max Sklar to handle.**

**Amendments to Contract:**

Add customer service survey

Increase dances to four (4) per year

Increase scholarships contributions from \$12,500 to \$15,000.

Max Sklar, Tourism and Cultural Department Director, explained the direction given to Administration regarding contract extension negotiations, subject to waiving competitive bidding. They have been negotiating with Global Spectrum; the item travelled through Finance Committee and they recommended that the contract have two one-year renewal options, instead of one two-year renewal, and they requested clarification on the Messe Schweiz partnership. This has been worked out and is under Exhibit "A" in the Agenda. The agreement is for three years, initial terms starting October 1, 2013 until September 2016, with two one-year renewal options at the discretion of the City Manager. Management fee would be \$258,300 per year with a 3% escalator, which is broken out between the Convention Center at \$241,600 and the Colony Theater at \$16,700. This will save the City over \$80,000 over the five-year term of the agreement. Global Spectrum agreed to a one-time \$200,000 capital contribution at time of contract execution and to continue their annual scholarship contribution of \$12,500, and as part of their community benefits, they are also continuing to produce at a minimum three senior dances per year. The incentive fee is for a total of up to 100% of the management fee annually, and he explained how this is broken out. There are additional five points awarded based on the percentage of completed surveys returned; this is an incentive for them to continue to push their customers and clients to fill out the surveys. Financial performance totals up to 50%; with a range from \$16.9 million in gross revenues, up to \$17.5 million or above. The terms in the contract extension

represents a million dollar increase in the gross operating revenue scale that the criteria is based on. Messe Schweiz will continue to participate in the Convention Center user group amongst several other users, continued cooperation with international sales and referrals and continue exploring the possibilities of additional shows at the Convention Center. Net operating profit guarantee basically states that any variance greater than \$50,000 from the approved budget in any year, their incentive fee would be reduced by 50 cents for every dollar of the shortfall, up to 50% of the earned incentive they achieved.

Commissioner Wolfson asked about the senior dances, He also asked if the Messe Schweiz (M.S.) show is still part of the requirement. Max Sklar stated that this was not part of the extension requirement before and it is not in this contract. Discussion held. Commissioner Wolfson added that they should try to motivate Messe Schweiz (M.S.) to produce more shows in Miami Beach. Discussion continued.

Bob Balsam, Global Spectrum, explained that Messe Schweiz remains involved in international sales, and added that as he explained to the Mayor and Commissioner Weithorn, he will be giving a quarterly report to them on international sales. Discussion continued.

Commissioner Weithorn informed that she will include the Quarterly International Sales Report at the next Finance and Citywide Projects Committee (FCWPC), and it will be part of the next City Commission Agenda. **Max Sklar and Patricia Walker to handle.**

Commissioner Libbin stated that he is in favor of the renewal, but has questions about the terms. He explained that the bonus is set artificially low. If they exceed a revenue goal that they already exceeded the top level for the past two years, to get the full fifty (50) points; if they reach a level a couple of million below that, they will get an incentive bonus. This is not a true incentive, is a gift. He suggested instead, to add to the base salary/compensation, but do not deceive the public by saying it is an incentive. He is not trying to take money out of their pockets, but this is not an incentive. They need to do something to earn the incentive; it should not be automatic. He stated that if everyone agrees, an incentive could be added to bring additional shows and the incentive could be based on revenues out of that money. Discussion continued.

Max Sklar, Tourism and Cultural Department Director, explained that they spent considerable time discussing the range and used the last four years average; that is how they came up with this range. In the next few years, revenue may not be that strong. Discussion continued.

Commissioner Libbin added that they talked about up to 5% points being awarded, based on the percentage of completed customer satisfaction survey, and wants to know who is compiling the survey, as one survey per event is turned in, but this is not quantified.

Bob Balsam, General Manager of the Convention Center, explained that he reviewed a comparison done on 28 cities in the nation and Miami Beach was very low, overall citywide. He is concerned about that. They have now expanded their security department to include guest services and they will station people in lobbies with uniforms and buttons that say "ASK ME, I CAN HELP," along with iPads, and they will start questioning attendees about 10 to 15 questions, give show promoters at least five, and they are also working with the Bureau; this is started immediately, by August 31<sup>st</sup>. Discussion continued.

Commissioner Libbin asked that after input is entered, what the process for survey results is. Max Sklar explained how the survey will be collected. He added that the survey is not included in the

agreement and it should be added. **Max Sklar to handle.**

Commissioner Libbin suggested increasing the dances to four (4), one quarterly, and considering increasing the scholarship contribution from \$12,500 to \$15,000, as they are getting additional incentives. Max Sklar stated that they agreed to the increase and Mr. Glickman has the authority to do so. Discussion continued. **Max Sklar to handle.**

Max Sklar, Tourism and Cultural Department Director, explained that in 2012 the range was approximately \$17 million. Commissioner Libbin explained that if they achieve \$17 million, up to \$17.25, they would get 25 points, which means that they would really get half of the available \$250,000.

Mayor Bower clarified that what is being discussed is to increase the incentives or move part of it to the management fee. If they need an incentive to bring in more shows, then they really need to give them an incentive. Commissioner Libbin agreed.

Max Sklar, Tourism and Cultural Department Director, explained that he prefers not to increase the management fee, but if the City Commission would like to change the incentive criteria, he will look at that. If this Commission wants to reduce financial performance, so it is not 50% and change the percentage for that and add a new criteria for additional shows, they can add a percentage for that.

Mayor Bower clarified that Global Spectrum wants that incentive money because they earned it. Commissioner Libbin is suggesting to give them the incentive moneys, at least half, ahead of time, and raise the percentage of the incentive.

Commissioner Libbin clarified that he has no problem; he wants to raise the management fee.

Commissioner Weithorn stated that they will be breaking ground at the Convention Center during this timeframe, and to change the deal, given the uncertainty, she is not sure is a completely fair at this point in time. Discussion continued.

Commissioner Libbin would not object to giving them a greater management fee; as many things are going to be out of control. He does not mind paying them a greater amount of the total potential of \$566; based on Commissioner Weithorn's comments.

Mayor Bower added that she prefers leaving the management fee as it is.

Max Sklar, Tourism and Cultural Department Director, stated that it is important to know that whatever the management fee, their incentives by law, have to be up to 100% of that. Discussion continued.

Motion made by Vice-Mayor Tobin; seconded by Commissioner Weithorn to approve the item as amended, with the increase to four dances per year, increasing scholarship contributions to \$15,000 from \$12,000, and adding customer service survey; Voice-vote: 7-0. **Max Sklar to handle.**

Vice-Mayor Tobin stated that Global Spectrum is doing a real good job, and asked that they keep working hard, since the renewal is coming up and they will be looking at their performance. He added for them to continue to do what they do.

1:46:30 a.m.

**SUPPLEMENTAL AGENDA 4: Appraisal Report**

R7D Vacation Of Alleyway - 500 Alton Road

A Resolution To Consider, On First Reading, Vacating An Alley Located In The 500 Block Of Alton Road, Containing Approximately 6,005 Square Feet, In Favor Of The Adjacent Property Owners, South Beach Heights I, LLC, 500 Alton Road Ventures, LLC And 1220 Sixth, LLC. **First Reading**

(Public Works)

**(Appraisal Report)**

**ACTION: Resolution read into the record. Resolution 2013-28277 approved on first reading and referred to the Finance and Citywide Projects committee between first and second reading.** Motion made by Commissioner Libbin; seconded by Commissioner Góngora; Voice-vote: 7-0. Second Reading Public Hearing scheduled for September 11, 2013. **Patricia Walker to place on the committee agenda. Eric Carpenter to handle.**

**REFERRAL:**

To Finance and Citywide Projects Committee

Eric Carpenter, Public Works Director, introduced the item. Staff believes that the alley no longer has a public purpose, in comparison to what the City can obtain by vacating the alley and being either compensated monetarily for it or potentially obtaining some infrastructure improvements in the area. They have met with the developer and had numerous discussions with the developers regarding alternatives. Mr. Carpenter announced that this item is going to the **Finance Committee on July 26, 2013**, and then back to the City Commission.

Mayor Bower inquired as to the appraisal. Mr. Carpenter stated that the appraised value was done in two ways: 1) Fee Simple Appraisal – Which resulted in a value of approximately \$600,000; and 2) Value to the Developer Appraisal – Which resulted in a value of approximately \$780,000.

Commissioner Libbin stated that the owner is offering the City choices of either an alternative site or payment, at whichever value the City thinks is appropriate. Mr. Carpenter said the owner had not issued any objections to the options.

Russell Galbut, Esq., spoke, and confirmed the prior statement.

Commissioner Góngora stated that we start the process today, they then send it to the Finance and Citywide Projects Committee (FCWPC) to discuss the public benefit and then it comes back in September for the second reading public hearing. At the public hearing, the public will be allowed to provide its input.

Motion made by Commissioner Libbin to approve the item and refer the item to the Finance and Citywide Projects Committee (FCWPC) to discuss the public benefit; seconded by Commissioner Góngora; voice vote: 7-0.

Discussion continued.

Vice-Mayor Tobin stated he expects the highest and best value and make sure get the appraisal is right. **Eric Carpenter to handle.**

Graham Penn inquired as to the date of the Finance Committee Meeting.

Commissioner Wolfson asked the City Attorney what will be the vote requirement when it comes back on September 11, 2013. Jose Smith, City attorney, stated that it is a majority vote, as it is not adjacent to waterfront property. Commissioner Wolfson suggested that it was a 6/7 vote, as the Charter states any other grant of land whatsoever in excess of 10 years requires a 6/7 vote. Mr. Smith, replied that easements did not require 6/7 vote.

Mayor Bower stated that she thinks Commissioner Wolfson is correct, and the issue merits further research. Mayor Bower requested that this item be reviewed as to voting requirement and that it be advertised correctly. **City Attorney's Office and Eric Carpenter to handle.**

- R7E A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 17, 2013, Until The First Regularly Scheduled Meeting On September 11, 2013, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 11, 2013. **Joint City Commission & Redevelopment Agency**

(Procurement)

**ACTION:** Item withdrawn.

**July 17, 2013 at 5:57: 34 p.m.**

**July 19, 2013 at 4:07:49 p.m.**

**SUPPLEMENTAL AGENDA 4: Alternative Language from Mayor Matti Herrera Bower**

- R7F A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether The City Commission Should, Without Owner Consent, Designate Individual Single Family Homes That Satisfy The City Code's Evaluation Criteria For Local Historic Site Designation?

(Requested by Commissioners Jerry Libbin & Jonah Wolfson)

(Legislative Tracking: City Attorney's Office)

**(Alternative Language from Mayor Matti Herrera Bower)**

**ACTION:** Resolution not adopted. **Item referred to the Land Use and Development Committee.** Motion made by Commissioner Weithorn to refer the item; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. Richard Lorber to place on the committee agenda. **City Attorney's Office to handle.**

Vice-Mayor Tobin stated that by referring item C4L to the Planning Board and by the time they hear it, it will be zoning in progress.

Gary Held, First Assistant City Attorney, read the alternate language proposed by the Mayor into the record. "Should the City of Miami Beach strengthen its protection of architecturally significant homes by requiring the Planning Department to refer applications for demolition permits to the Historic Preservation Board for historic designation consideration before permit can be issued?"

Commissioner Libbin read alternate language into the record. He read page 769 with the corrected language that added **“without the homeowner’s consent.”**

Gary Held, First Assistant City Attorney, explained that the ballot question that was drafted deals with the actual designation criteria, and the alternate language deals with the referral of applications that involves demolition to the Historic Preservation Board.

Discussion held.

Commissioner Libbin suggested adding **“without the homeowner’s consent”** at the end.

Discussion continued.

Vice-Mayor Tobin stated that the difficult part of this ballot question is that if they tell people that they are going to designate homes historic without the owner’s consent, it will not pass. If they want this to pass, they need to take out the language that they will be designated historic without the owner’s consent. The alternate language accomplishes that. His fear of the moratorium is that everybody knows this is coming, this will cause the largest amount of demolitions between the time the City Commission votes on it, and the Planning Board hears it.

Mayor Bower stated that the moratorium she is proposing is for six months only.

Discussion continued.

Commissioner Libbin stated he would like to see the ballot question as a standalone with the language he proposed, and then consider a five-month moratorium that will take it to December, and then one will know how the public stands on this issue.

Mayor Bower stated that she would agree to that, but does not want the Planning Board to sit and wait for five months and do nothing.

Commissioner Góngora stated that they should instruct staff from the Planning Board to have a public workshop as soon as possible scheduled in September and will avoid all the problems. **Richard Lorber to handle.**

Discussion continued.

Commissioner Wolfson stated that he wants to know how people feel because this is a restriction of property rights.

**6:19:48 p.m.**

Mayor Bower read language into the record where applications for demolition should be referred to the Historic Preservation Board and not the Design Review Board. “Should the City of Miami Beach strengthen its protection of architecturally significant homes by requiring the Planning Department to refer applications for demolition permits to the Historic Preservation Board for historic designation consideration before permit can be issued?”

Commissioner Wolfson requested to take out the word “strengthen. “

**6:26:10 p.m.**

Commissioner Weithorn requested from staff a written definition of “architecturally significant home” so they can read it before they vote.

The following individuals spoke:

Daniel Soraldo  
Bob Koonts  
Dana Turken  
Jaime Rubinstein

Vice-Mayor Tobin read the definition of “architecturally significant” homes. Criteria. Sec. 142-108.

- (1) The subject structure is characteristic of a specific architectural style constructed in the City prior to 1942, including, but not limited to Vernacular, Mediterranean Revival, Art Deco, Streamline Moderne, or variations thereof;
- (2) The exterior of the structure is recognizable as an example of its style and/or period, and its architectural design integrity has not been modified in a manner that cannot be reversed without unreasonable expense.
- (3) Significant exterior architectural characteristics, features, or details of the subject structure remain intact.
- (4) The subject structure embodies the scale, character and massing of the built context of its immediate area.

Jaime Rubinstein spoke.

Vice-Mayor Tobin stated that there are some homes in the City that need to be preserved, and although the City does not have to provide money, there should be some incentives. Right now, the incentives are not enough. In his opinion, the number one priority should be on the massing and scale of the houses. Second priority is how they make sure that in a few months some of these houses will not come down. This debate is good, but it is also bad because now everybody is scared to death. He will not agree to a blanket criteria that everybody has to go the HPB.

The following individuals spoke:

Jaime Rubinstein  
Francinelee Hand  
Peter Luria  
Benita Argos  
Kathleen Kaufman  
George Neary  
Leonard Hockstein  
Julian Gelton  
Patrick Stewart  
John Friedman  
Jane Gross  
Dr. Robert Ivor  
Ralph Choeff

Discussion held about continuing the Commission Meeting for Friday, July 19 in the morning. It was agreed to continue the Commission Meeting of all the items not reach on Wednesday, July 17 to Friday, July 19, 2013 at 10:00 a.m.

The following individuals spoke:

Bill Farkas  
Mark Reigns  
Judy Herskowitz  
Joel Steinn  
David Lombardi  
Mark Needle  
Michael Larkin  
Mickey Marrero  
Mitch Novick  
Emmanuel Seabog  
Esther Percal  
Kent Harrison Robbins

Discussion held

**8:26:40 p.m.**

Gary Held, First Assistant City Attorney, stated the question is to exempt people that have already spent funds, file application, etc. and provide documentation and that they want to provide relief for them as well. He wrote language for people that have spent money through today. The language stated that the referral excludes people with properties that can establish to the Planning Director by affidavit and documentation that they spent substantial fund as of July 17, 2013 for plans and permits for new construction of the subject property.

Mayor Bower wanted to exempt the gentleman whose house is in the process of being sold and lost the sale.

Gary Held, First Assistant City Attorney, explained that this equitable estoppel and it is not established by owning property, they have to take title.

Discussion continued.

Vice-Mayor Tobin stated that he would consider a short moratorium if they had a set objective and working criteria of what they will accomplish.

Discussion continued.

Commissioner Weithorn requested to set the date for the workshop for September 23, 2013, which is the [tentative] date of the second hearing of the budget and do it after.

Mayor Bower is concerned about what will happen between now and September 23, unless they stop the rush of people pulling demolition permits.

Discussion continued.

Commissioner Wolfson is supportive of a moratorium for anybody that has not filed any papers as of today's date.

Discussion continued.

Gary Held, First Assistant City Attorney, explained that the rules for a moratorium need to be adopted with the procedural requirement of a zoning amendment.

Discussion continued.

**8:42:18 p.m.**

Commissioner Wolfson explained the applicability clause that once the Planning Board passes it reverts back to today's date. Gary Held answered "yes."

Michael Larkin clarified that the applicability clause should cover all applications for the August and September DRB meetings, and should cover the building permit process numbers before today's date.

Commissioner Wolfson stated that the moratorium should not cover all the homes but the pre-1942 ones only.

Discussion continued.

**Commissioner Weithorn stated that the Single Family Development Regulations Workshop should be scheduled on September 23, 2013 at 1:00 p.m.** prior to the second reading of the millage. It is also the date prior the Planning Board. **Richard Lorber to handle.**

Discussion continued.

**Motion 1:**

Motion made by Commissioner Wolfson to direct the Planning Department staff and the City Attorney's Office to prepare a moratorium-stay for consideration of the Planning Board with applicability date of today's date and would exclude anybody that has filed any papers as of today's date.

Discussion continued.

**Motion amended by Commissioner Wolfson:**

The moratorium will not apply to anybody who purchased a home for at least three months prior to this date; seconded by Commissioner Libbin.

Discussion continued.

**8:53:12 p.m.**

**RESTATED MOTION:**

Motion made by Commissioner Wolfson to approve a moratorium until November 2013; seconded by Commissioner Libbin.

Gary Held, First Assistant City Attorney, stated that four categories would be excluded, the three months anybody that can file an affidavit, that they spent substantial funds, and can they file affidavit on pending contracts for sale.

Commissioner Wolfson accepted an amendment to include anybody that has a contract for sale as of today's date.

Vice-Mayor Tobin added anybody with an escrow deposit.

Commissioner Weithorn asked Mr. Held to list who is excluded from the moratorium.

Discussion continued.

Jaime Rubinstein spoke

Gary Held, First Assistant City Attorney, stated that Florida case law recognizes for equitable estoppel that if you spent funds for development, not acquisition, plans and permitting there will be an exception. This is the fourth category.

Jose Smith, City Attorney, explained that the case for equitable estoppel is the principles that we will follow. If you are vested under those equitable estoppel cases then you are in.

**8:53:12 p.m.**

**RESTATED MOTION:**

Motion made by Commissioner Wolfson to approve a moratorium until November 2013; seconded by Commissioner Libbin.

**MOTION NO. 1:**

Motion made by Commissioner Wolfson to direct Planning Department staff and the City Attorney's Office to prepare a moratorium-stay for consideration of the Planning Board until November 2013; the moratorium will not apply to any one who purchased a home for at least three months prior to this date; seconded by Commissioner Libbin. Voice-vote: 6-1; Opposed: Vice-Mayor Tobin.

Discussion continued.

**Motion 2:**

**AMENDING C4L**

Motion made by Commissioner Weithorn amending C4L by the prior motion; seconded by Commissioner Libbin; Voice-vote 6-1; Opposed: Commissioner Góngora.

**Mayor Bower explained that item C4L approved in consent is amended by the motion and the motion includes that the moratorium ends in November 2013.**

Discussion continued.

Vice-Mayor Tobin asked Commissioner Góngora that since they have a meeting on Friday, if he has a better idea than what was just approved here to let him know and he will listen.

**9:09:33 p.m.**

Gary Held, First Assistant City Attorney, read into the record the revised ballot question combining the two ballot questions in R7F. "Should the City require the Planning Department to refer applications for substantial or total demolition permits for architecturally significant homes that satisfy the criteria for historic designation prior to the issuance of such permits to the Historic Preservation Board for the possible designation as historic sites without owner consent? In addition, removing the language "as the City Commission."

Commissioner Weithorn asked to take the word "issuance" out and say prior to the granting of such permits.

Motion made by Vice-Mayor Tobin to defer this item for Friday, July 19, 2013.

**July 19, 2013 at 4:07:49 p.m.**

Kent Harrison-Robbins, Esq., explained that they simplified the language, which is going on the ballot, only to the extent that there is counter proposal by Commissioner Wolfson concerning owner consent. They believe all of these needs to go to the voters as a ballot question. If Commissioner Wolfson's ballot question is approved then they will need to do an election campaign

Commissioner Góngora clarified that what Mr. Robbins is stating is if one item goes to a ballot question, all of them should go to a ballot question. However, a better course of action is to refer both ballot questions to the Land Use and Development Committee.

Kent Harrison-Robbins, Esq., agreed.

Discussion held.

Charles Urstadt, Chairman, Miami Design Preservation League (MDPL), explained the item, which is a straw ballot question with language that he feels is not good for the City and strongly spoke in opposition. He strongly suggested not approving this resolution. The Miami Design Preservation League (MDPL) has provided language that should be discussed, and will bring forth if requested and perhaps referred to the Land Use and Development Committee.

Commissioner Libbin stated that they were trying to figure out a process on Wednesday. The decision on Wednesday was to test the sentiment of the public by having a straw ballot question.

Discussion continued.

Charles Urstadt, Chairman, Miami Design Preservation League (MDPL), spoke.  
Kent Harrison-Robbins, Esq., spoke.

Mayor Bower stated that she does not have a problem with sending this to the Land Use and Development Committee (LUDC) but she will have less of a problem if the procedure is changed and the homes go to the Historic Preservation Board instead of the Design Review Board (DRB).

Commissioner Libbin agreed.

Discussion continued.

Commissioner Libbin stated that they could have the question that Kent proposes and if the vote is "yes"; then we should amend it so it goes to the Historic Preservation Board (HPB) and not the Design Review Board (DRB) because that is what makes more sense.

Discussion held.

Commissioner Wolfson asked if there are going to be two questions.

Commissioner Libbin explained that there is only one question; one or the other. He explained that if the first question is "yes" then the second question is worthless.

Gary Held, First Assistant City Attorney, stated that in his opinion these are two separate questions. One-question deals with the criteria used to designating properties to start, and the other question is how you allow demolition of architecturally significant houses; and these are very different answers.

Discussion continued.

Commissioner Góngora stated that he agrees with Charles' comments. He stated that straw ballot questions (although not binding) can be very dangerous. We could get an answer we want, or an answer we do not one, or two conflicting answers; and the City Commission at that time will need to figure out where to go from other. If the consensus is to go forward with this, he thinks it should be either both questions or none at all. He added that there is no need to rush into ballot questions.

Discussion held.

Motion made by Commissioner Wolfson to approve Question 1; seconded by Commissioner Libbin.

Mayor Bower asked which question No. 1 is.

Commissioner Wolfson explained that question No. 1 is Kent Harrison Robinson's question.

Kent Harrison-Robbins, Esq., stated that it is not his question; he wanted to clarify so it will be clear to the electorate what you are asking. It is either "yes" or "no." He added that he does not think it is necessary because the law is in place not requiring owner's consent for over a decade, and this Commission has been very comfortable with this situation. This is a political decision that needs to be made, he does not think anything has changed but he thinks the process needs to be strengthened to protect historic homes.

Discussion continued.

Commissioner Libbin agreed with everything Kent said and he believes the vote will be 60% against the homeowners having control, but believes the question should be asked.

Commissioner Góngora stated that he would vote "no" on both questions.

Mayor Bower will vote the same.

**Motion made by Commissioner Wolfson to approve question No. 1; seconded by Commissioner Libbin; Voice vote: Opposed: Mayor Bower and Commissioners, Exposito, Góngora and Weithorn. 2-4; Absent; Vice-Mayor Tobin. The motion failed.**

Discussion continued.

**Motion made by Commissioner Weithorn to refer the item to the Land Use and**

**Development Committee (LUDC) and continue to work on this on our hearings to move the process as to not lose track of the different opinions; seconded by Commissioner Góngora; 6-0; Absent; Vice-Mayor Tobin.**

**City Clerk's Note:** Single Family Development Regulations Workshop to be held September 23, 2013 at 1:00 p.m.

**City Clerk's Note:** Subsequent to this Commission Meeting, the second budget hearing date was changed to September 30, 2013.

Handout and Reference Materials:

1. Letter from Beth Dunlop
2. Letter from Peter P. Luria dated July 17, 2013 to Mayor Matti Herrera Bower and Members of the City Commission, RE: Ordinance Amendment Incentivizing the Retention of Architecturally Significant Single Family Homes Built Prior to 1942.
3. Letter from Jaime Robinson, Miami Beach Resident
4. Email from Robert Kunst, [stoproadrage@hotmail.com](mailto:stoproadrage@hotmail.com), dated Jul 17, 2013, RE: Protect Paradise
5. Sec. 142-108. Provisions for the demolition of single-family homes located outside of historic districts.
6. Ballot Language prepared by Kent Harrison Robbins, Attorney for MDPL
7. Sample Ballot Question
8. Sample Ballot Question
9. Letter from Arva Moore Parks, Historian and Preservationist

**July 19, 2013 at 4:27:52 p.m.**

R7G ~~A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether The City Commission Should Adopt A Resolution Urging The Federal Government And The Florida Legislature To Decriminalize And Authorize The Medicinal Use Of Marijuana.~~

R7G A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether The City Commission Should Adopt A Resolution Urging The Federal Government And The Florida Legislature To Decriminalize And Authorize The Medicinal Use Of Marijuana.

(City Attorney's Office)

**ACTION: Resolution No. 2013-28296 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Libbin Voice-vote; 5-1; Opposed; Mayor Bower; Absent: Vice-Mayor Tobin. **City Attorney's Office to handle.**

**Straw Ballot:**

"Should the City Commission adopt a resolution urging the Federal Government and the Florida Legislature to decriminalize and authorize the medicinal use of marijuana?"

Mayor Bower stated that Vice-Mayor Tobin sponsored this item. She asked if this item was sent to the school system, the Quality of Life Committee, the Charter Review and the answer was "no" to all to them.

Jose Smith, City Attorney, explained that Vice-Mayor Tobin wanted to amend this item to state that he would like to ask the Florida State Legislature to review and consider it.

Commissioner Góngora stated that he will not approve a straw ballot question, but he would support a resolution.

Jose Smith, City Attorney, stated that other cities have done it and the language is urging the State Legislature to decriminalize it or to give it the least priority possible.

Commissioner Weithorn stated that she would support it, as it pertains to medicinal use of marijuana; she thinks the Legislature should recognize that there are certain medical conditions where medical marijuana alleviates pain, and its use under said conditions should be granted; other states have done it. She explained the narrow area in which decriminalizing it or legalizing it is for use medicinal purposes is applicable. She does not want to approve anything that is broader.

Discussion held

Mayor Bower will vote against it since she does not know the unintended consequences as to who is using it for medicinal use or not.

Discussion continued.

**Motion made by Commissioner Wolfson to adopt a resolution urging the State Legislature to decriminalize the medical use of marijuana; seconded by Commissioner Libbin.**

Commissioner Libbin stated that the public should be allowed to give their opinion on the subject.

Jamie Rubinstein spoke.

Eric Stevens spoke.

Discussion continued.

**Commissioner Weithorn read the straw ballot question into the record and referred to page 776 of the agenda: "Should the City Commission adopt a resolution urging the Federal Government and the Florida State Legislature to decriminalize and authorize the medical use of marijuana."**

A Voice-vote was taken; 5-1; Opposed; Mayor Bower; Absent: Vice-Mayor Tobin.

**City Clerk's Note:** Scrivener's error: The resolution included in the original document the word "decriminalize."

**July 17, 2013 12:17:04 a.m.****SUPPLEMENTAL AGENDA 3: Resolution**

R7H Reject Bids Received For 6th Street, 53rd Street Restrooms And Ocean Rescue Office, And Approve GMP Amendment

1. A Resolution Rejecting All Bids Received, Pursuant To Invitation To Bid No. 176-2013TC, For The Construction Of The 6th Street Restrooms, 53rd Street Restrooms, And Ocean Rescue Office.

**ACTION: Resolution No. 2013-28278 adopted.** Item heard in conjunction with R7H2. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice-vote: 5-0; Absent Vice Mayor Tobin and Commissioner Libbin. **David Martinez and Alex Denis to handle.**

Commissioner Weithorn explained that the bids came in higher than expected, so all bids are being rejected. Motion by Commissioner Weithorn; seconded by Commissioner Góngora.

Denis Martinez, CIP Director, explained that these were the design bids on ITB, the second time around. They received four bids, one was \$74,000 away from the GMP; three bids were at least half a million to a million more than the GMP.

2. A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Guaranteed Maximum Price (GMP) Amendment No. 1, To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., For The Construction Of 1.) The 6th Street Restrooms, In The Amount Of \$614,322, Plus An Owner's Project Contingency Of \$30,716, For A Total Of \$645,038; 2.) 53rd Street Restrooms And Ocean Rescue Building In The Amount Of \$586,171, Plus An Owner's Contingency Of \$30,543, And 3.) The Provision Of A Temporary Office Trailer For Ocean Rescue, In The Amount Of \$24,704, For A Total Of \$641,418; All For A GMP Total Of \$1,225,197, With Owner's Contingency Of \$61,259, For A Grand Total Of \$1,286,456; With Previously Appropriated Funding In The Amount Of \$535,367 From SP Post RDA CDT And Municipal Resort Tax Fund 388, \$109,671 From SB Quality Of Life Resort Tax Fund 305, \$641,418 From Capital Projects Not Financed By Bonds Fund 301.

(Capital Improvement Projects/Procurement)

**(Resolutions)**

**ACTION: Resolution No. 2013-28279 adopted.** Item heard in conjunction with item R7H1. Motion made by Commissioner Weithorn; seconded by Commissioner Góngora; Voice-vote: 5-0; Absent Vice-Mayor Tobin and Commissioner Libbin. **David Martinez and Alex Denis to handle.**

**1:58:40 p.m.****SUPPLEMENTAL AGENDA 1: Memorandum & Resolution**

R7I A Resolution Consenting To And Confirming The Appointment Of John Rebar As The Director Of The Parks And Recreation Department For The City Of Miami Beach.

(Human Resources)

**(Memorandum & Resolution)****(Memorandum to be Submitted in Supplemental)**

**ACTION: Resolution No. 2013-28280 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

City Manager Jimmy L. Morales introduced the item. The Manager stated that Kevin Smith, Director of Parks and Recreation, is retiring, so the City conducted a public recruitment process and John Rebar was selected. Mr. Rebar is currently the Parks Director for the City of Miami Gardens, doing a phenomenal job there. He will bring new vision and energy working with the City's current staff. The Manager stated that the Mayor of Miami Gardens called Commissioner Weithorn and himself, to "curse and praise us" for taking his best employee. Miami Beach is very fortunate to have John Rebar joining our team.

Mayor Bower stated that she met with Mr. Rebar, and found him to be very nice and knowledgeable.

Mayor Bower and Commission Weithorn welcomed Mr. Rebar.

Mr. Rebar stated that he looks forward to joining the team.

Handout and Reference Materials:

1. Oath of Office

**2:00:08 p.m.**

R7J Consent Appointments Of Nannette Rodriguez, Gladys Gonzalez And Alex Denis

1. A Resolution Consenting To And Confirming The Appointment Of Nannette Rodriguez As The Director Of The Office Of Communications For The City Of Miami Beach.

**ACTION: Resolution No. 2013-28281 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Handout or Reference Materials:

1. Oath of Office

2. A Resolution Consenting To And Confirming The Appointment Of Gladys Gonzalez As The Director Of The Department Of Information Technology For The City Of Miami Beach.

**ACTION: Resolution No. 2013-28282 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Handout or Reference Materials:

1. Oath of Office

3. A Resolution Consenting To And Confirming The Appointment Alex Denis As The Director Of The Office Of Procurement For The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution No. 2013-28283 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn; Voice-vote: 7-0. **Sylvia Crespo-Tabak to handle.**

City Manager Jimmy Morales explained that these are three current Divisions, Procurement, IT and Communications, which used to report to a Department. Each of these Divisions is important enough to be their own Departments, and by virtue of making them Departments, now the Department Directors need to be approved by the City Commission. These individuals currently run these new Departments; this is for purposes of complying with the City Charter that requires consent of the City Commission to the appointment of Department Directors.

Motion made by Commissioner Góngora consenting to the three appointments; seconded by Commissioner Weithorn; Voice-vote: 7-0.

Handout or Reference Materials:

1. Oath of Office

**11:14:44 p.m.**

**SUPPLEMENTAL AGENDA 5: Memorandum**

R7K A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The Communications Workers Of America, Local 3178 (CWA), For The Period From October 1, 2012 Through September 30, 2015; And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)  
**(Memorandum)**

**ACTION: Resolution No. 2013-28284 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **Sylvia Crespo-Tabak to handle.**

Commissioner Weithorn asked what the purview of this Commission is since they did not have the Executive Session.

Mayor Bower asked if anything changed since the last Executive Session.

Jimmy L. Morales, City Manager, stated that “no,” that they did negotiate some better points, but have not discussed them with the City Commission.

Mayor Bower asked what the pleasure of the Commission is, and that she has been asked to do it today since the lawyers are present.

Commissioner Góngora stated that he would like to do it today, but does not know if it is prudent without the Executive Session.

Commissioner Wolfson stated the fact that it was not publicly noticed and that he received it late last night.

Discussion held.

Commissioner Weithorn stated that The Communications Workers of America, Local 3178 (CWA) deal was done over a week ago. She would not mind taking this one Collective Bargaining Agreement today and leaving the other Collective Bargaining Agreement on the agenda for Friday, July 19, 2013. She explained that she is ready to make a decision, but she knows it requires consideration and she is in a better position to make a decision than the rest of the City Commission as she was the Commission Liaison to the negotiations.

Mayor Bower stated that she is ready to make a decision, but she has a problem not doing all the Collective Bargaining Agreements together.

The consensus was to consider the CWA Collective Bargaining Agreement today.

Kathie G. Brooks, Assistant City Manager, stated that there are three items for CWA, also R5H and R5I. One is the ratification of the contract (R7K), and two ordinances, R5H implementing the pension provision of the agreement and R5I amending the salary ordinance related to The Communications Workers of America, Local 3178 (CWA).

Jimmy L. Morales, City Manager, explained that the Budget Advisory Committee (BAC) did not recommend a hybrid approach to respect of this contract because of the significant pension reforms they achieved a few years ago. The Budget Advisory Committee recommended one pension reform that was achieved, that is the elimination to buyback years of service, and that is reflected in the contract. They also extended the three year (3) DROP program to five (5) years. On the third year of this contract, 2014-2015, there will be a 3% Cost of Living Adjustment (COLA). They also tried to address some of the inequities of the past contract, particularly affecting lifeguards. This was negotiated and discussed at the last Executive Session.

Kathie G. Brooks, Assistant City Manager, explained that they now have the salary impact over the three years.

Discussion continued.

Commissioner Weithorn explained that the 3% Cost of Living Adjustment (COLA) is intended to be citywide.

Commissioner Libbin acknowledged and thanked everybody involved in this contract.

Jimmy Morales, City Manager, thanked everyone for the hard work put into these contracts, including Police and Fire.

Motion seconded by Commissioner Libbin; Voice vote: 7-0.

**2:01:47 p.m.****SUPPLEMENTAL AGENDA 1: Memorandum & Resolution**

R7L A Resolution Accepting The Following Recommendations Of The Neighborhood/Community Affairs Committee: 1.) Approving The Proposal Of The Flamingo Park Neighborhood Association To Name The New Tennis Center At Flamingo Park, The "Flamingo Park Tennis Center;" 2.) In Release And Settlement Of Any Right(s) And/Or Claim(s) That Abel Holtz (Both Individually And/Or Acting By And On Behalf Of The Entire Holtz Family, And Their Respective Heirs, Successors, And Assigns) May Have With Respect To The Naming Of The New Tennis Center And Any Other Tennis Related Improvements At Flamingo Park (Past, Present, Or Future), Approving The Establishment Of A Monument, In The Form Of A Tennis Ball Sculpture (Which Design Was Initially Included In The Renderings For The Project), With A Dedicatory Plaque On The Base Of The Sculpture With Plaque Language To Be Mutually Agreed Upon Between The City And The Holtz Family; 3.) Further Deferring The Official Ribbon Cutting Ceremony For The New Tennis Center Until The Naming Is Finalized; And 4.) Accepting The Recommendation Of The City Attorney's Office And Authorizing The City Attorney To Prepare An Amendment To Section 82-503(c)(2) Of The City's Naming Ordinance To Clarify The City's Intent That If A Public Facility Is Being Named Or Re-Named To Include The Location Including, Without Limitation, The Park Or Street Number/Name, Where The Facility Is Situated, Then The Referendum Requirements For Naming The Exterior Of Public Facilities Shall Not Apply.

(Parks &amp; Recreation)

**(Memorandum & Resolution)****(Memorandum to be Submitted in Supplemental)****ACTION: Resolution No. 2013-28285 adopted in two motions. Kevin Smith to handle.****MOTION 1**

Commissioner Góngora separated Item 2 (Tennis Ball Sculpture) of the proposed resolution, as he must recuse himself on that portion, and moved to approve the Items 1, 3 and 4 of the resolution; seconded by Commissioner Exposito. Voice vote: 7-0.

**MOTION 2**

Commissioner Weithorn moved Item 2 (Tennis Ball Sculpture) of the proposed resolution; seconded by Commissioner Exposito. Voice vote: 6-0; Commissioner Góngora recused himself.

Jimmy L. Morales, City Manager, stated that this item is the Holtz Settlement issue.

Commissioner Góngora stated that he needed to recuse himself on Item 2 of the proposal.

City Manager Morales explained that this is approving to name the new Tennis Center at Flamingo Park, the "Flamingo Park Tennis Center;"; accepting a release and settlement of any right(s) and/or claim(s) that Abel Holtz, both individually and/or acting by and on behalf of the entire Holtz family, may have with respect to the naming of the new Tennis Center and any other tennis related improvements at Flamingo Park, approving the establishment of a monument, in the form of a Tennis Ball Sculpture with a plaque on the base of the sculpture with language to be mutually agreed upon between the City and the Holtz family; deferring the official ribbon cutting ceremony for the new Tennis Center until the naming is finalized; and accepting the recommendation of the City Attorney's Office and authorizing the City Attorney to prepare an amendment to Section 82-503(c)(2) of the City's Naming Ordinance to clarify the City's intent that if a public facility is being named or re-named to include the location including, without

limitation, the park or street number/name, where the facility is situated, then the referendum requirements for naming the exterior of public facilities shall not apply.

**MOTION 1**

Commissioner Góngora moved to separate the Item 2 (Tennis Ball Sculpture) of the proposed resolution, as he must recuse himself on that portion, and moved to approve Items 1, 3 and 4 of the resolution; seconded by Commissioner Exposito. Voice vote: 7-0.

**MOTION 2**

Commissioner Weithorn moved Item 2 (Tennis Ball Sculpture) of the proposed resolution; seconded by Commissioner Exposito. Commissioner Góngora recused himself.

Commissioner Weithorn stated that, if her recollection served her right, Commissioner Góngora's law firm had a relationship with Mr. Holtz's condominium. City Attorney Jose Smith confirmed this. Voice vote: 6-0; Commissioner Góngora recused himself.

**Handout or Reference Materials:**

1. Form 8B (Memorandum of Voting Conflict) submitted by Commissioner Góngora #100
2. Supplemental Abstention and Disclosure Requirement signed by Commissioner Góngora

**July 19, 2013 at 3:47:44 p.m.**

**SUPPLEMENTAL AGENDA 3: Revised Memorandum & Resolution**

R7M A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03(B) Requiring Majority Voter Approval Before The City's Sale, Lease Exceeding Ten Years, Exchange Or Conveyance Of Convention Center Parking Lots Should Be Changed To Require 60% Voter Approval Instead, And To Include "Convention Center Campus" (All City-Owned Property Within Civic And Convention Center District Except Convention Center And Carl Fisher Clubhouse) Within The Category Of City-Owned Properties Subject To 60% Voter Approval Requirement, And Clarifying That This Charter Change Is Inapplicable To The "Convention Center Project" Ballot Question (To Be Presented Simultaneously On The November 5, 2013 Ballot).

(City Attorney's Office)

**(Revised Memorandum & Resolution)**

**ACTION:** Item heard in conjunction with item R9O. Resolution 2013-28297 adopted. Motion made by Commissioner Libbin to adopt the resolution drafted by the City Attorney; seconded by Commissioner Weithorn Voice-vote: 5-1; Opposed Commissioner Wolfson; Absent: Vice-Mayor Tobin. **City Attorney's Office to handle.**

**Motion 1:**

**Motion made by Commissioner Libbin to direct the City Attorney to seek a declaratory order from the Court immediately; seconded by Commissioner Weithorn; Voice vote 6-0; Absent: Vice-Mayor Tobin.**

Jose Smith, City Attorney, explained that whenever an initiative petition has been certified by the Supervisor of Elections, the City has to consider whether that initiative petition is Constitutional in its entirety and on its face, and there are cases on that issue that he included in his memorandum. Mr. Smith has concluded that the question herein is Constitutional, and hence it

should be placed on the ballot. The issue before the Commission is the effect this initiative will have on the Convention Center RFQ. One of the biggest challenges is that we need to say a lot in 75 words, and it has to be clear and unambiguous so the ballot question does not confuse or mislead the voters. In order for him to draft this question, that meets that test, he needs to be able to say whether this Charter initiative petition affects or does not affect the current Convention Center project, otherwise the voters may be confused. After extensive research, he has concluded that the proposed Charter amendment by the "Let Miami Beach Decide" organization affects what the law considers the vested rights of the bidders that filed proposals on the Convention Center RFQ. Because it affects vested rights, and it cannot affect vested rights, it is like an equitable estoppel argument. He recommends that this Commission direct him to go to Court and get clarity, what the law calls a declaratory order. This is under a provision of the Florida Statutes that provides for parties to come in front of a judge to clear a doubt the parties may have, and to ask the judge to rule as to whether or not this should or should not apply. He explained that there is a resolution in the agenda that calls for an election, and in that resolution the language states that, the initiative petition Charter amendment does not apply to the Convention Center project. In the event that this question appears on the ballot, it will be clear that it does not affect the Convention Center RFQ. The option is to go into Court and have this issue resolved so there is an answer before the voters vote on November 5.

Commissioner Góngora suggested letting the people decide and the question states that it does not affect the Convention Center and why waste time and resources in going to Court.

Jose Smith, City Attorney, stated we are going to end up in Court anyway.

**Motion 1:**

Commissioner Libbin stated that this is such an important project that we must have clarity. He stated that we could afford it since the filing fee is \$500. **He made the motion to direct the City Attorney to seek the declaratory order. No second offered.**

Commissioner Exposito asked what the implications are.

Jose Smith, City Attorney. Explained that whether we file or they file, there is no difference, and the judge will decide on the merits of the issue.

Discussion held regarding attorney fees.

Juan Carlos Planas, Esq., representing "Let Miami Beach Decide," spoke. Declaratory action can be filed by both parties; they go to the Court and ask the Court to declare what is right.

Commissioner Libbin agreed to direct Administration to get the answer because it is conceivable that the other party will not do it and then we have the vote and they can challenge and delay the process and sue us. Why not get the answer.

Discussion held.

Jose Smith, City Attorney, stated what is necessary. **He would like to have this Commission adopt the Resolution scheduling the Election of November 5, 2013** so we know that this is going to be on the ballot. The resolution on the agenda says that the petition does not apply to the Convention Center project. Once the resolution is adopted, Mr. Planas can go to Court if he chooses to challenge your vote that the ballot question will say that the initiative petition does not

apply to the Convention Center RFQ.

**Motion 2:**

**Motion made by Commissioner Libbin to approve the resolution drafted by the City Attorney; seconded by Commissioner Weithorn.**

Discussion continued.

Juan Carlos Planas, Esq., stated that the 3<sup>rd</sup> District Circuit Court of Appeals even meets on weekends on past election cases and they will decide the issue within three days to provide clarity.

Jose Smith, City Attorney, explained that there would only be a one-word change depending on how the Court rules. Both parties agree on the language with the exception of one word and that will be decided by the judge.

Discussion continued.

Jose Smith, City Attorney, advises to adopt the resolution as drafted by him and then somebody will file with the Court.

**A voice vote was taken on Motion 2; 5-1; Opposed Commissioner Wolfson; Absent: Vice-Mayor Tobin.**

Discussion continued.

**Motion 1: Restated:**

**Motion made by Commissioner Libbin to direct the City Attorney to seek the declaratory order from the Court immediately; seconded by Commissioner Weithorn. City Attorney's Office to handle.**

Juan Carlos Planas, Esq., stated that he would accept service of process on behalf of "Let Miami Beach Decide." Commissioner Wolfson is the Chairman of the organization, and you do not have to serve Commissioner Wolfson you will have to serve Mr. Planas. The time line will be negotiated in an expedited manner.

A voice vote was taken on Motion 1; 6-0; Absent Vice-Mayor Tobin.

**9:17:24 p.m.****ADDENDUM AGENDA 2:**

R7N ~~A Resolution Approving The Selection Of Tishman As The Master Developer For A Public-Private Mixed-Use Development In Miami Beach For The Enhancement Of The Miami Beach Convention Center Campus/District, Including The Expansion Of The Miami Beach Convention Center And Development Of A Convention Center Hotel And Authorizing The City Manager To Negotiate A Term Sheet, Development Agreement And Any Other Documents Necessary For The Such Development.~~

A Resolution Approving South Beach Arts, Culture, And Entertainment, LLC (South Beach Ace) As The Master Developer Pursuant To "Phase II" Of Request For Qualifications No. 22-11/12 For A Public-Private Mixed-Use Development In Miami Beach For The Enhancement Of The Miami Beach Convention Center District, Including The Expansion Of The Miami Beach Convention Center And Development Of A Convention Center Hotel; Authorizing The City Manager To Execute, On Behalf Of The City, A Letter Of Interest (LOI) With South Beach Ace (Which LOI Also Incorporates And References The Master Plan And Program Approved By The City); And Further Authorizing The City Manager To Continue With Phase II Negotiations And Negotiate A Term Sheet, Development Agreement And Ground Leases For The Project, With Such Term Sheet And Respective Agreements Subject To Consideration And Approval By The City Commission At A Future Date.

(City Manager's Office)

**ACTION: Resolution No. 2013-28286 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Exposito to select Tishman as the developer; Voice-vote: 5-2; Opposed Vice-Mayor Tobin and Commissioner Wolfson. **Maria Hernandez and the Office of the City Attorney to handle.**

Jimmy Morales, City Manager, explained that at the Friday, July 12, 2013 meeting, final presentation and public comment was made, along with significant question and answer period. Both developers responded to the 16 conditions imposed by the City Manager. At this point, it is for the Commission's deliberation and decision.

Commissioner Weithorn, for the record and for transparency, asked if certain candidates have taken money from any of the teams, as rumors have it. The public has the right to know.

Mayor Bower and Commissioners Libbin, Góngora and Exposito replied "no."

Discussion held.

Commissioner Wolfson explained that his organization "Let Miami Beach Decide" campaigns for the best interest of the people, and he has not raised funds.

Vice-Mayor Tobin suggested, for the benefit of the public, that everyone here wants the decision made for the right reasons, and not the wrong reasons. People tend to divide elected officials in order to get one or the other person on their side. There are no campaign limits for ECO's. The fundamental thing is that everyone wants the decision made on the merits, not the politics.

Discussion held.

Jimmy L. Morales, City Manager, explained that at this point it is for the City Commission to deliberate upon.

Commissioner Wolfson announced that he would like to partake in the discussion of the question and how it is phrased in the ballot.

Mayor Bower explained that they made a choice on the project and the rest will be negotiations. What is left is to choose one of the two developers.

Commissioner Wolfson stated that he would be voting against the project.

Commissioner Góngora stated that this has been a long and difficult process. In his opinion, neither developer is perfect. There are things he likes from both developers.

Motion made by Commissioner Góngora to approve Tishman; seconded by Commissioner Exposito.

Commissioner Weithorn asked Legal or the Administration if they need to explain for the record what the scope of the work is.

Jimmy Morales, City Manager, stated that in the memorandum submitted last Thursday evening, they summarized what they thought were the directions given, and adopting this should be part of the motion. Discussion held.

Jose Smith, City Attorney, stated that to be consistent with the ballot question, which has the items, the motion has to include those items.

Motion made by Commissioner Góngora to approve; seconded by Commissioner Exposito to include the matters discussed; Convention Center Parking Lots, Air Rights, Ground Floor and Roof Top of City Garage to be built on the 17<sup>th</sup> Street Garage, and development of 800-room convention center hotel with 90,000 square feet of retail component.

Discussion held.

Jimmy L. Morales, City Manager, explained the recommendations in the discussions included 20,000 square feet of retail north of 17<sup>th</sup> Street; 70,000 square feet retail in the garage, housing component low-scale, either in the P-lot and/or Washington; the 800 unit hotel and no cultural building; and not to demolish the Jackie Gleason.

Discussion continued regarding the recommendations.

Commissioner Libbin stated that he is viewing the project as a Master Plan, and they are not contemplating doing everything at the same time. He has been consistent concerning housing.

Mr. Morales stated that tonight you are also approving the ballot language, and unless the ballot language includes whatever leases are necessary, the Master Plan can be done later, but you will need another referendum depending on the location of leases.

Vice-Mayor Tobin asked for the City Manager to give his recommendation.

Mayor Bower stated that she asked the City Manager for his recommendation and he did not give that to her. She asked for clarification. Discussion held.

Jimmy L. Morales, City Manager, clarified that last Thursday, the reason he did not give a recommendation was because given the charged climate they had, it would throw kerosene on the fire, and he thought they would lose track of what was happening, which turned out to be a productive discussion. He also stated in his recommendation that there are many factors to argue, and said at the time, that if the Commission asked for his opinion he would give it; but at this late date, he doubts if it makes a difference. He clarified and apologized to Mayor Bower, and stated on the memorandum that there were some objective factors: 1) the \$52 million cost differential, and 2) the length of time of getting the project done; all else being equal, those are factors they can disagree on. He would recommend the Portman team for cost differential and phasing timing factor, but is willing to work with either team to make either one work. That is the basis of his recommendation. They both have some great things going for them and serious deficiencies in common, and they have to work with them. They both have subjective factors, such as the ballroom location. Discussion continued.

Mayor Bower asked the City Manager about the timing issue and Mr. Morales explained that a critical factor is the outside ballroom, which allows phasing construction faster. Discussion continued regarding differences between developers.

Vice-Mayor Tobin stated that the decision is crystal clear.

Jorge Gomez explained that Legal opined that when having any negotiation meetings, based on the LOI's, the meetings had to be recorded. All meetings were audio taped. Both teams asked for copies of the audio tapes.

Discussion held regarding recorded negotiations meetings.

Raul Aguila, Chief Deputy City Attorney, stated that they had negotiating sessions, and under Florida Statutes, it is required to have these negotiations on tape, since they are not open to the public. Both parties had negotiation sessions in April 24 and tapes are public record. All parties agreed to be recorded.

Vice-Mayor Tobin made a presentation. Vice-Mayor Tobin stated that in the original proposal North of 17 Street, Portman is at \$33 a foot and Tishman at \$2.75 a foot. The 17<sup>th</sup> Street Garage; Portman is at \$33 and Tishman at \$35 a foot; so Tishman is higher on that number. Both developers will require paying for the retail shown in the replacement parking of about \$17.5 million. Both developers have to pay \$17.5 million, which will have an effect on how much they are willing to pay for rent. In the City Manager's Memorandum, developers were told they did not have to pay \$17.5 million but give best offer on rent; offers came in and North of 17<sup>th</sup> Portman is at \$17 a foot; it went down almost 50%; Tishman Group is \$30 a foot but the numbers go up consistently; Tishman's number goes up \$55 a foot on 17<sup>th</sup> Street. His point is that the City relieves the developer from paying cost of the retail shop and replacement parking, is a \$17.5 million savings to both. The point is that yes, they changed their numbers, but the fact that they claim the numbers are tainted and Jeff was perceived to have done something wrong, but did not. In listening to the tapes of the negotiations, you can see that there are hostilities, and when listening to the negotiations there is a difference. Tishman stated they want an agreement. At this point, both teams are equal on retail, but Portman is at 4.5% on the land lease, while Tishman is at 4%; the reason being because Portman would give extra 0.5% on the land lease as his

contribution to the maintenance. Therefore, Portman is actually better on land lease. In response, Tishman said in a written document, that they would pay a proportionate share. He suggested that this is not as straightforward and that Tishman accused Jeff of doing something wrong to serve his purposes. The City Manager, because of the attacks on Jeff Sachs, would not give a recommendation. If you factor in the public costs, Portman is \$52 million cheaper, not a little more expensive as Commissioner Góngora stated. Construction savings, Portman gives the community 80%.

Mayor Bower asked about the \$52 million.

Mr. Morales explained that this number is the difference between cost and revenue based on the July 5 amended memorandum numbers, (not the July 8<sup>th</sup> numbers.)

Discussion held regarding negotiating tapes.

Raul Aguila, Chief Deputy City Attorney, stated that he could explain the City's position concerning the July 8<sup>th</sup> clarification memo.

Discussion continued regarding the confusion of the July 5 numbers.

Vice-Mayor Tobin clarified that there was a suggestion that Mr. Sachs called Portman regarding numbers, and this was a sharp business tactic on the part of Tishman; it is clear-cut that numbers going down have been completely misunderstood. There are three sets of numbers, first developers were told to pay about \$17.5 million to build out retail; how much do you pay in rent, and the numbers are \$2.75 for Tishman, \$33 for Portman; on the other numbers 17<sup>th</sup> Street Garage beats Tishman with \$35 per foot and Portman \$33 per foot, based on a \$17.5 million cost.

Jimmy Morales, City Manager, stated that the original LOI's and final were May 1<sup>st</sup>; both teams submitted on May 1<sup>st</sup>; on July 5<sup>th</sup>, in response to the amended program and recommendations, both teams submitted numbers; on July 8<sup>th</sup> Tishman never submitted numbers, but Portman submitted revised numbers responding to the email from Mr. Sachs, and I believe that is what Vice-Mayor Tobin is going through.

Discussion continued.

Vice-Mayor Tobin stated that in the beginning, the developers were to spend \$17.5 million and give the City the best numbers; then they are told to come up with revised numbers; Portman's are cut in half on North of 17<sup>th</sup> and go down on 17<sup>th</sup> Street garage, so the suggestion that Jeff did something wrong, looks like they were submitting a bid, and there was confusion. To suggest that Jeff did something wrong, poisoned the water, and as result, the City Manager is not making a recommendation, and we are not getting a presentation by staff, and our professional staff is not making a recommendation. In regards to the schedule, basically, Portman finishes in two years and six months, Tishman in four years and two months; that is a significant difference. Based on data from the City Manager's memorandum this is the time limit; here is the cost savings if you consider that Jeff did nothing wrong.

Vice-Mayor Tobin continued explaining what would happen if they choose the Tishman team; they would have to protect the City at every juncture and every corner; it is going to be tough as nails. Portman is clearly better in all objectives. On construction, Portman is willing to give 80% of

all construction savings; Tishman gives a 50/50 split; Portman gives 80%. This is a substantial savings. Portman agreed to give an extra 0.5% in medians and Tishman came up to agree to pay a portion of the share, whatever that means. He suggested more certainty than that.

Mr. Morales stated, for the record, that Tishman agreed to the 16<sup>th</sup> condition, two of those were in fact the 80/20 and 0.5% green space funding plans. Now they have agreed to those points.

Vice-Mayor Tobin stated that the numbers are basically the same, but he is suggesting that at every juncture when one team is offering 10% on ground leases and the other one is offering 25%, and he listened to four hours of tapes and he knows what they went through; on aesthetics he likes the idea of extended stay on Washington Avenue, and that is why he likes Portman, they plan to stay on activating Washington Avenue; and he is now talking about subjective things; the ballroom on the ground floor works better and activates the public space, the steep hill is impractical and the underground garage will require a lot of carbon monoxide vents; depending on how many cars are in the garage. They have a reasonable room rate to ensure successful convention center hotel. In addition, Tishman plan, since it is more expensive, will require a 99% RDA from the County, and the County only does 50% RDAs now, so they may end up short of money. Discussion continued. Tishman is very aggressive and he thinks the City does not have the greatest appetite for litigation and fighting and the best track record for budgeting; he suggests when opening up the pocketbook to \$500 million in spending, \$500 million can go up; some examples include those made on April 24 that Tishman believes future Commission may want to build apartment buildings on the park lands; and they make suggestions that they thought this was going to be a much bigger deal, and this little project is an appetizer for these guys, and to him they said they were going to build on the air rights on the Convention Center, and that will allow the maximum build on the park lands later, if chosen to do. Tishman even talks about getting exclusivity for construction in the future. His fear is that is going to add up. This is going to impact the community, and suggested that there is going to be many things going on. In addition to being better on the money, he believes Portman is a better partner to the City. On the money, on the timeliness, on who is easier to negotiate with, it is Portman.

Commissioner Exposito stated that his concern is that they went through a process by legal and procurement law, and based on that information, certain assumptions and allegations were made, and certain decisions were made. Aggressiveness is a matter of negotiating style, but he will base his decision on the numbers he was given by the Administration and Legal.

Jimmy L. Morales, City Manager, clarified that the numbers are based on the July 5<sup>th</sup> memorandum, not the July 8<sup>th</sup>.

Raul Aguila, Chief Deputy City Attorney, stated that Vice-Mayor Tobin made a great record for his decision and the rest have a decision to make. When they issued the LTC about the July 8 clarification by Portman, which stated that it was advisable not to be considered said figures, first of all, this was just with regard to one component of this RFQ; with regard to the numbers on the 17<sup>th</sup> Street garage, which as you have all said at LUDC Committee, is one of the last components to be developed, so no one from the Administration said that Jeff Sachs did anything wrong; this is a competition and each developer will say what they deem appropriate to say, but he gives legal advice to the City Commission and the City Manager, and they have striven for over a year to go through a process that has been one of the most painstakingly transparent processes he has ever seen the City go through, in terms of public meetings, public input, two evaluation committee, short list proposals, so no one said that Jeff Sachs did anything wrong, but in an effort to be completely transparent and to put everyone on equal footing, because when you select one,

you always have the risk of the non-selected to come back and find a way to get you. That is a possibility. He advised his client, not thinking of Jeff Sachs, that is not an issue; he is the City's consultant. In advising the City Manager, putting and keeping everybody on an equal plane field. You can make your decision without the July 8 memorandum, because this was just one component of the subcomponent of your criteria. Some of you may think that the numbers are the most compelling thing to your decision, some of you may think not, but he respects Vice-Mayor Tobin and thinks he made a wonderful record, but if at the end of the day he has to stand and represent this body, he will repeat keep everyone in the same plane field. After the selection, they will negotiate with the successful developer. He wanted to put that issue to rest. No one is impugning Jeff Sachs.

Commissioner Góngora stated that Vice-Mayor Tobin had made a good presentation and he agreed with many of the points. He publicly stated that he likes Jack Portman very much and the Southern personality; this was a difficult decision for him, and the reason he made his motion is because he sees a vision of more iconic project because it appeals to him more. He looked at the numbers and thinks the Tishman project is more expensive to build, but according to the memorandum over the 99 years, Tishman proposes to pay the City for the hotel and the retail North of 17<sup>th</sup> was just under \$1.4 billion, a \$101 million more than Portman, on a NPV basis this equates to \$155 million in total Tishman payments of \$31 million more than Portman. He equalized those numbers and understands one is a cost and one is the anticipated revenue source. He also bought into the green space, but he wants to move forward to do the project, and he supports Tishman.

Commissioner Libbin asked what the final negotiating process is once selection is made.

Jimmy Morales, City Manager, stated that one of the complicated factors is the referendum in November. He believes that the final negotiations will take place after the election and he is sure the selected developers and community will work together on educating the public, in an educational campaign, on the facts of the project. He asked Jeff Sachs to explain how he envisions from a development process going forward from here.

Jeff Sacks, Strategic Advisory Group, stated that the plan has been outlined in the original RFQ, and after the LOI's they need to work with legal counsel to get a term sheet, which is more detailed than an LOI. Whoever is selected, we have to talk regarding how much work they are willing to come up front between now and the referendum, and get a detailed term sheet; ultimately, we will go into contract negotiations in details, the actual lease, and bring back.

Discussion continued regarding process and physical planning.

Mr. Morales added that they will make every effort to get a commitment from the County on the RDA.

Commissioner Libbin asked about the 16 points, and asked Raul Aguila to explain what No. 7 is, and by not agreeing to cost collateralize, what does it mean?

Raul Aguila, Chief Deputy City Attorney, explained that is the same as cross default; in the event of a default under the hotel lease, it would trigger a default under all the other leases. It is a way of stating that it is all inter-related. He interpreted that Portman is not agreeing or disagreeing; they have to check with their financing to see if they can do this. Discussion continued. The ground lease would be between the City and the developer entity. One of the remedies of the

default absent cure, is that the City steps in the shoes of the developer; the City can reclaim the property or have certain rights available, so it would not affect sub-tenants' rights or jeopardize those leases. Under the worst scenario, the City would assume those rights.

Commissioner Libbin explained that he found both developers to be exceptionally cooperative and not derogatory; he did not listen to the tapes, but thinks that the outtakes of representation by Vice-Mayor Tobin is what was said, but thinks that people negotiate, and when you make a deal, you make a deal; when you negotiate something, you drive a hard bargain and numbers can change. He thinks the question raised about revenue on the 17<sup>th</sup> Street garage is an interesting question. Is it conceivable that the factoring was not necessarily that a mistake was made, but if you are not going to do the garage, there is no money needed up front. The other question is, why if it was all about the garage; did the retail rental rate north of 17<sup>th</sup> Street go up significantly? His point is that he thinks there is another possibility, but both developers anticipated having revenue in their pockets, Tishman with a restaurant or apartment building on the roof; and is possible that the numbers went down because that revenue for the parking is not going to be there.

Vice-Mayor Tobin explained that the parking revenue was not part of the original numbers; none of the numbers ever contemplated the revenue from the garage.

Discussion continued regarding parking revenue.

Jeff Sachs, Strategic Advisory Group, explained that the parking revenue to the 17<sup>th</sup> Street Garage was included in the May 3<sup>rd</sup> number analysis, but when they had discussions about wanting to control the rate, this was pulled out, and that is why they sent the memo prior to July 5<sup>th</sup>, to ask them how this changes their numbers. They actually had the breakouts between the parking and the retail, and both developers had the correct numbers. Discussion continued.

Jimmy L. Morales, City Manager, stated, for the record, based on data from Ms. Walker, on the last six RDA's, 50% are 50%; and 50% are 95%, so the County seems to go back and forth.

Mayor Bower explained that she expects the County to be in support of this; they cannot build something and not take care of the rest of the area; she is glad to hear the numbers. She suggested going to the County with the City Manager and negotiate. She also asked on the referendum question, during Agenda Review it was discussed that the name of the team selected will be placed on the ballot question, and asked when the negotiations will begin.

Jimmy L. Morales, City Manager, stated that they will sit with the selected team very quickly and the LOI with amendments will be turned into a term sheet, and the process will start as soon as possible; typically through the design phase. The question is how much the selected developer will spend before the referendum, which is why the referendum complicates the process.

Mayor Bower wants to clarify the question that if the City changes to another selected team and they have to change the name on the ballot, what is the best process to follow.

Raul Aguila, Chief Deputy City Attorney, stated that under Florida Statute the ballot questions have to be in clear and unambiguous language. They have language with "the project" but there may be an issue if the name of the selected developer is not included. Argument can be made, as the public has the right to know who the City is leasing the property to. If between now and after the referendum is approved, they terminate negotiations with that developer to go with developer

No. 2, it depends on many factors. He suggested including the name of the developer.

Vice-Mayor Tobin stated that he will work with the Tishman Group if that is the will of this Commission, but they are going to have a contract approved by a 6/7 vote, and he will make sure that every single contractual term that they want is voted by a majority.

Jimmy L. Morales, City Manager, explained that they have a narrow window because of a September 6 deadline imposed by the Department of Elections to submit Charter language; that is why he recommended last week 16 points up front to make less things to negotiate. Mayor Bower commended him for his efforts. Mr. Morales thanked Jorge Gomez, Maria Poncel, Maria Hernandez, Max Sklar, Kathie G. Brooks, and staff who worked very hard to make this happen.

Vice-Mayor Tobin asked why Mr. Tishman was not in the audience.

Victor Diaz, Esq., principal, South Beach ACE, read a letter from Mr. Dan Tishman into the record, explaining the reason for his not being in the audience.

Commissioner Weithorn stated that she will support whatever the Commission does, but wants everyone to understand that there is a risk and reward; and clearly Tishman is a higher risk; it costs more upfront and takes longer to do; so if her colleagues think the reward is better on the back end, she will support it; however, Commissioner Libbin has his list of what he dislikes, and she has hers. She wants to make sure that their input is put into this program, so they do not get down the line and then they are forced to vote no with Commissioner Wolfson on a contract and then the deal is dead. She wants a chance to do that, which is why she is putting this on the record.

Motion made by Commissioner Góngora; seconded by Commissioner Exposito to select Tishman as the developer; Voice-vote: 4-2; Opposed Vice-Mayor Tobin and Vice-Mayor Wolfson.

Handout or Reference Materials:

1. Interoffice Memorandum from Raul J. Aguila, Chief Deputy City Attorney to Mayor Matti Herrera Bower and City Commissioners, dated July 17, 2013, RE: Portman's Response to City Comments.
2. Draft Resolution
2. Interoffice Memorandum from Raul J. Aguila, Chief Deputy City Attorney to Mayor Matti Herrera Bower and City Commissioners, dated July 17, 2013, RE: Tishman's Response to City Comments.
3. Resolution from the Miami Beach Chamber of Commerce adopted June 20, 2013, RE: Miami Beach Convention Center RFQ.
4. Letter from Melvin Kimmel dated July 17, 2013

**July 19, 2013 at 2:39:46 p.m. and 5:35:57 p.m.****ADDENDUM AGENDA 2:**

R70 Convention Center Project – Ballot Question Resolutions

**1. Alternative A:**

~~A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Should Lease The Following City Properties To South Beach Ace ("Tishman"):~~

- ~~• Convention Center ("CC") Parking Lots;~~
- ~~• Air Rights Above CC; And~~
- ~~• Ground Floor And Rooftop Of A New City Garage To Be Built On Site Of Existing 17th Street Garage ("New Garage");~~
- ~~For Development By Tishman On Such Properties Of:~~
- ~~• An 800 Room Convention Hotel;~~
- ~~• 90,000 Square Feet Of Retail/Restaurants;~~
- ~~• Low-Rise Residential Units; And~~
- ~~• The New Garage.~~

**Amended Alternative A (Final Wording):**

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Should Enter Into 99 Year Leases With South Beach Arts Culture Entertainment ("Tishman") Providing For Payment To The City Of Fair Market Rent On These City Properties:

- Convention Center Parking Lots;
- Convention Center Drive;
- Portions Of Convention Center, Center's Air Rights And Parking Spaces;
- 17th Street Garage Site's Ground Floor ("Garage");
- For Tishman's Development Thereon Of:
- 800 Room Hotel;
- 20,000 Square Feet Retail/Restaurants North Of 17th Street;
- 70,000 Square Feet Retail/Restaurants In The Garage?

**ACTION: Resolution 2013-28298 adopted as amended, and read for the record by Jose Smith, City Attorney.** Motion made by Commissioner Libbin; seconded by Commissioner Weithorn; Ballot-vote: 5-1; Opposed; Commissioner Wolfson; Absent: Vice-Mayor Tobin. **City Attorney's Office and Maria Hernandez to handle.**

**2 Alternative B:**

A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Should Lease The Following City Properties To Portman-CMC:

Convention Center ("CC") Parking Lots;

Air Rights Above CC, And East Side Of CC Facing Washington Avenue;

- Ground Floor And Rooftop Of A New City Garage To Be Built On Site Of Existing

17th Street Garage ("New Garage");  
For Development By Portman On Such Properties Of:

- An 800 Room Convention Hotel;
- 90,000 Square Feet Of Retail/Restaurants;
- Low-Rise Residential Units; And
- The New Garage.

(City Attorney's Office)

**ACTION:** Item rejected.

**Consensus:**

No rooftop on program on the 17<sup>th</sup> Street Garage;  
No residential component;  
Bifurcate 20,000 square feet from 70,000 square feet, 20,000 going north of 17<sup>th</sup> Street, 70,000 square feet for retail/restaurant in the Garage.

**Direction given to the City Attorney:**

- Convention Center parking lot OK
- Convention Center Drive OK
- Convention Center Air Rights OK

With verbal commitment as follows:

Whatever the proposal is on the table, they will not have any options to build beyond that, and that any efforts to build beyond that will require a referendum.

- Breakdown the 90,000 square feet of retails/restaurants as follows:  
70,000 in the Garage and 20,000 North of 17th Street

Jose Smith, City Attorney, stated that up to 11:00 p.m. last night his team and the attorneys representing the Tishman group were working on the language for the ballot question for the Convention Center. He explained that the challenge is to say everything that they need to say, say it clearly, and say it in seventy five (75) words or less. He distributed the ballot question his staff drafted and will present three alternatives, which give the City Commission certain options as to whether or not they want a roof component on top of the 17<sup>th</sup> Street Garage, or whether or not the Commission wants the no rights to residential as part of the ninety nine (99) year lease. He entered for the record the ballot question that the City is proposing. The title to that ballot question, the resolution is being distributed, is "Convention Center Projects Lease of City Property to South Beach Arts and Culture."

**2:41:43 p.m.:**

Jose Smith, City Attorney, read the ballot question into the record.

Mayor Bower stated that she is numbering this resolution No. 1 for future reference.

Commissioner Libbin stated that he is against any of the options with the housing, and asked if they can reword the 17<sup>th</sup> Street Garage generic and leave it open to the options, instead of specifying rooftop.

Jose Smith, City Attorney, explained that considering that the sentiment of the City Commission was to maintain possession and control over the Garage component, they need to say that they are not willing to give that up, and the only thing they are willing to

give up is the ground floor and the roof top, if they decide to do that.

Kathie G. Brooks, Assistant City Manager, asked if maybe it could say "commercial space in the Garage."

Commissioner Libbin agreed to the language of "commercial space," as that could be either on the ground floor or on the roof.

Discussion held.

Vice-Mayor Tobin stated that he did not want to include the name Tishman in the referendum to give the City flexibility. He explained that he does not want to give them the rights now, to be able to build on parkland.

Jose Smith, City Attorney, stated that the City Commission needs to have the name of the party. He explained that according to Florida Statutes, the ballot needs to be clear and unambiguous, and excluding the name might bring forth an argument that the ballot question was not "clear and unambiguous."

Vice-Mayor Tobin stated that it depends on what you consider to be a pertinent factor, square footage could be a pertinent factor. He expressed that he does not want the 17th Street Parking Garage on Tishman's hands until they do a good job on the Convention Center. He rather have the City build it and lease out the commercial space, or let the people in the community do it if they do not do a good job. He requested to carve out the 17th Street Garage completely. He requested to carve out Garage and residential for now.

Jose Smith, City Attorney stated that he is keeping notes as well as Gary Held.

Commissioner Wolfson agreed with Vice-Mayor Tobin that the square footage should be specified in the ballot question. He stated that the total public cost should be included in the ballot question and the yearly obligation to the taxpayers. Motion made by Commissioner Wolfson to add this to the question. No second offered.

Commissioner Weithorn stated that when it comes to the Garage, if they put the wording in the ballot, it does not mean they have to give it to them, this is just asking for permission. Her concern is that it does not really say that. She added that the 90,000 feet of retail restaurants is ambiguous. She explained that the 90,000 includes the inside of the hotel as well as outside, but it does not say so that in the ballot language.

Discussion continued.

Kathie G. Brooks, Assistant City Manager, clarified that the 90,000 is outside of the hotel and up to 20,000 north of 17th Street and 70,000 in the Garage.

Commissioner Weithorn stated that maybe the Garage should be a separate question, she agreed with Vice-Mayor Tobin.

Mayor Bower asked which question is the Garage.

Jose Smith, City Attorney stated that the Garage is a component of all of them; the only change will be that the City Commission will not authorize a rooftop retail component.

Vice-Mayor Tobin suggested taking Version A, carve out everything related to the 17th Street Garage and reduce the 90,000 feet of retail /restaurant to 20,000 feet.

Discussion continued.

Vice-Mayor Tobin stated that the City could always build the Garage and lease the retail space in the Garage, what this means is that there will not be a 99-year lease.

Discussion continued.

Commissioner Weithorn is not comfortable with what the rooftop entails. Option 1 is with the rooftop out.

Discussion continued.

Mayor Bower suggested on #2, take the 90,000 feet retail/restaurants Garage and break it 70,000 in the Garage and 20,000 North of 17th Street

Jose Smith, City Attorney, asked for direction as to what they prefer and they will work on the wording for the ballot question.

Mayor Bower read the items:

*DIRECTION GIVEN*

Convention Center parking lot	OK
Convention Center Drive	OK
Convention Center Air Rights	OK

Vice-Mayor Tobin asked on the Convention Center air rights that if this means that in the future if Tishman, or another Commission, decided to demolish some of the Convention Center they could go up 20 stories on that property.

Jose Smith, City Attorney, stated only if they are allowed to do it.

Vice Mayor Tobin stated that this language already approves this and Jose Smith answered "yes."

Vice-Mayor Tobin stated that there should be a limit in the air rights of up to 198 Feet.

Mayor Bower asked if we needed to vote on the air rights, Jose Smith answered "yes."

Vice-Mayor Tobin stated that the question is if we want to leave it to future Commission to approve the development of that site, all the air rights, without the public's vote.

Discussion continued.

Vice-Mayor Tobin explained that, the way it stands, for the next 99 years if another Commission decides to knock down the Convention Center it will be OK because they are

approving it now.

Jose Smith, City Attorney, stated that not necessarily, because once they reach a development agreement giving them the right to build X number of feet of air rights for a Commission to add more additional air rights to that development agreement will require another referendum.

Vice-Mayor Tobin stated that Mr. Smith's opinion is that the development agreement is so tight that future Commissions could not amend that agreement.

Jose Smith, City Attorney, stated that it is his opinion, that if this City Commission states on the agreement that this is all Tishman is going to get, they do not have the option to get additional square footage and it will require a referendum.

Vice-Mayor Tobin stated that he does not agree with the City Attorney's opinion on this and asked if this Commission would like to limit the amount of air rights that they sell.

Commissioner Wolfson stated that everything should be very specific: air rights, including the square footage of the parking lot, and the square footage on Convention Center Drive. He asked if this is a ratification of any lease, or not.

Jose Smith, City Attorney, stated that there is no agreement.

Commissioner Wolfson stated that it is premature to do this if there is no agreement.

Mayor Bower continued giving directions:

*DIRECTION GIVEN*

*Convention Center Air Rights:*

Verbal commitment made that whatever the proposal is on the table they will not have any option to build beyond that, and that any efforts to build beyond that will require a referendum.

Mayor Bower stated that they need a number on this.

Al Dotson, on behalf of South Beach ACE, stated that on the program itself this is an evolving component of the project, and there are sixteen (16) conditions, but Tishman has yet to receive the final program. At this point, it is premature to specify the square footage.

Vice-Mayor Tobin asked Mr. Dotson how this Commission protects the community against more development than what they are agreeing on. Vice-Mayor Tobin only wants to lease the air rights necessary for what they are doing now.

Mr. Dotson stated that the ballot language is not giving the Tishman Group anything, it is just setting a ceiling and they will come back to this Commission to determine the development agreement. As the City Attorney has stated, once the agreement is put in place, if they want to go beyond, it would require another referendum.

Discussion continued.

Jose Smith, City Attorney, suggested the following to resolve Vice-Mayor Tobin's concern, since they do not want to give Tishman the option to build on top of the entire Convention Center. Addressing Mr. Dotson, Mr. Smith stated, "they need commitment, on behalf of the client, that whatever the proposal is on the table, the developer will not have any option to build beyond that, and that any efforts to build beyond that will require a referendum."

Al Dotson, on behalf of South Beach ACE, responded "absolutely."

Vice-Mayor Tobin asked if this is binding.

Jeff Sacks Esq. responded "yes."

Mayor Bower continued giving directions:

Break the 90,000 square feet, of retails/restaurants as follows:  
70,000 in the Garage and 20,000 North of 17th Street

Jose Smith, City Attorney, explained that the 20,000 square feet is not part of the 800-room hotel.

Vice-Mayor Tobin suggested that where it says Convention Center Air Rights for an 800-room hotel adding a semicolon. Air Rights: for an 800-room hotel on Air Rights – this lets the public know; and eliminate some words.

Mr. Dotson stated that there are two components, the property and the program and the City Commission is starting to mix the property with the program.

Jose Smith, City Attorney, explained that the ballot question has two components: 1) They need to have the areas that are subject to the lease; 2) Once the Commission determines the areas subject to the lease, it must state what can be built on it.

Mayor Bower stated that Jose Smith should separate it the way he needs to do it and write in the best manner. **City Attorney's Office to handle.**

Discussion continued.

Commissioner Góngora asked the City Attorney for a summary of what has been decided and the areas of consensus.

**Jose Smith, City Attorney stated the following:  
Consensus on Changes to the Ballot Question as follows:**

- 1. No rooftop on program on the 17<sup>th</sup> Street Garage**
- 2. No residential component**
- 3. Bifurcate 20,000 square feet from 70,000 square feet, 20,000 going north of 17<sup>th</sup> Street, 70,000 square feet for retail/restaurant in the Garage.**

Commissioner Góngora stated that since these items have consensus, the City Attorney should draft a new ballot question and bring the question back to vote on it.

Commissioner Wolfson asked if there is consensus to adding the cost of the project to the question. He made a motion earlier on this.

Commissioner Libbin stated that they really do not know that until it is bid out.

Commissioner Wolfson stated that if they are voting on giving land to a private entity and a 99-year lease, they should find out how much it is going to cost the public.

Commissioner Libbin stated that somebody is going to manage the project, they cannot exceed a certain amount, and if they need to cut programs, they will cut program.

Discussion continued.

Jose Smith, City Attorney, suggested not including the cost of construction because this is not a construction contract, they are leasing property to a developer.

Discussion continued.

Jose Smith, City Attorney, will draft that ballot question with the changes and will bring back later in the Meeting.

Commissioner Wolfson stated that they are not giving the public all of the facts to decide, they are only giving them a small portion the facts.

**5:37:33 p.m.**

Jose Smith, City Attorney, stated that the question is exactly 75 words.

**“Should City enter into a 99-year lease with South Beach Arts Culture Entertainment (Tishman) requiring payment to City of fair market rent on these City properties:**

- **Convention Center Parking Lots;**
- **Convention Center Drive;**
- **Portions of Convention Center, Center’s Air Rights and Parking Spaces;**
- **17<sup>th</sup> Street Garage Site’s Ground Floor;**

**For Tishman’s Development Thereon of:**

- **800 room hotel;**
- **20,000 square feet retail/restaurants north of 17th Street;**
- **70,000 square feet retail/restaurants in the Garage?”**

**City Clerk’s Note:** Final ballot language corrected in resolution corrected scrivener’s error, changing the singular word “lease” to the plural “leases.”

**Motion made by Commissioner Libbin to approve the above language read by Jose Smith, City Attorney, seconded by Commissioner Weithorn.**

Commissioner Wolfson objected because there is no square footage for the space being leased; there is no cost in the language. The public is not getting a chance to decide on the massive expenditure.

Jose Smith, City Attorney, stated that there is a Voter’s Guide explaining it.

Mayor Bower asked to include those amounts in the Voter's Guide and that they advertise in the newspaper. **City Attorney's Office to handle.**

Commissioner Wolfson objected on "pitching their version of this project" in the newspaper.

Mr. Smith stated that the Voter Guide would only have factual information.

Mayor Bower stated that the process has been transparent; there have been many advertised public meetings. She added that the number of public meetings advertised and held should be publicized, for the public to know how much work has been put into this process and they should be educated on everything including that the model of the projects were at City hall and made available to the public to view them. Gather all the facts to educate the public. **City Attorney's Office to handle.**

Commissioner Libbin asked the City Attorney, if in his legal opinion, the ballot question requires including the cost.

Jose Smith, City Attorney, stated that it is not required. It is not required to state everything in 75 words or less.

**Roll Call; 5-1: Opposed: Vice-Mayor Wolfson; Absent: Vice-Mayor Tobin.**

**2 Alternative B:**

A Resolution Calling For A Special Election To Be Held On Tuesday, November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether The City Should Lease The Following City Properties To Portman-CMC:

Convention Center ("CC") Parking Lots;

Air Rights Above CC, And East Side Of CC Facing Washington Avenue;

•Ground Floor And Rooftop Of A New City Garage To Be Built On Site Of Existing 17th Street Garage ("New Garage");

For Development By Portman On Such Properties Of:

- An 800 Room Convention Hotel;
- 90,000 Square Feet Of Retail/Restaurants;
- Low-Rise Residential Units; And
- The New Garage.

(City Attorney's Office)

**ACTION:** Item rejected.

Handout or References Materials:

1. Ballot Questions

**12:22:04 a.m.**

R7P A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Section 1.07 Of The Miami Beach Charter Should Be Created Requiring A Majority Vote In A Citywide Election To Repeal, Diminish, Or Otherwise Negatively Impact A Right Or Duty Established In Miami Beach City Code Chapter 62 ("Human Relations") That Inures To The Benefit Of A Member Of The Classification Categories Of Race, Color, National Origin, Religion, Sex, Gender Identity, Sexual Orientation, Disability, Marital Status, Familial Status, And Age As Defined In Miami Beach City Code Section 62-31.

(Requested By Commissioner Michael Góngora)  
(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution No. 2013-28287 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Exposito; Voice-vote: 5-0; Absent: Vice-Mayor Tobin and Commissioner Libbin. **City Attorney's and City Clerk's Offices to handle.**

Commissioner Wolfson read the ballot question aloud for the record.

Commissioner Wolfson inquired of Commissioner Góngora if he was concerned that someone would repeal some of the good things the City Commission has done in the field of human relations.

Commissioner Góngora replied that he wants to make sure the residents of the City are protected.

Commissioner Wolfson stated that it was a great idea.

**July 19, 2013 at 3:46:57 p.m.**

R7Q Charter Amendments Re: Citizens' Bill Of Rights

1. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(16) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Amended To Add Gender Identity To The List Of Currently Protected Classes Of Race, Color, National Origin, Religion, Gender, Sexual Orientation, Disability, Marital Status, Familial Status, And Age.

**ACTION:** Item withdrawn by Commissioner Góngora.

Commissioner Góngora stated that after speaking with Save Dade and Equality Florida, these organizations want to give this question some further deliberation, so he will withdraw the item.

**July 19, 2013 at 3:38:44 p.m.****4:37:07 p.m.**

2. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(17) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Created Prohibiting Discrimination By The City Of Miami Beach In Its Employment Practices And Benefits Offered Based Upon An Employee Or Applicant's Race, Color, National Origin, Religion, Gender, Sexual Orientation, Gender Identity, Disability, Marital Status, Familial Status, Or Age.

(Requested By Commissioner Michael Góngora)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution 2013-28299 adopted.** Motion made by Commissioner Góngora; seconded by Commissioner Weithorn. Voice-vote: 6-0. Absent: Vice-Mayor Tobin. **City Attorney's and City Clerk's Offices to handle.**

Commissioner Góngora explained that the item would add language to the City Charter in regards to the City's hiring/employment practices. In addition, there has been extensive discussion at the Charter Review Board about extending these protections to the contractors that work with the City. He added that three of the members of the Charter Review Board are present in the audience

**Motion made by Commissioner Góngora; seconded by Commissioner Weithorn. Voice-vote: 6-0. Absent: Vice-Mayor Tobin.**

Alex Fernandez, Charter Review Board member, spoke regarding basic human rights and rights of employers. This is an important item about the rights of employees so that they are not discriminated, not only by the City of Miami Beach, but also by those who contract with the City. It is about making sure that the people they give tax dollars to are not discriminating their employees. This is close to his heart and he asked respectfully that the City Commission support this.

**4:37:07 p.m.**

Commissioner Góngora asked for clarification if the question (A)17 included the contractors that do business with the City.

Jose Smith, City Attorney, stated the answer is "no" because this deals with the City's employment practices and not anybody else's.

Commissioner Góngora asked if it is the will of the Commission to add contractors to that question.

Jose Smith, City Attorney, stated that the question would have to be re-drafted.

Commissioner Libbin asked how they could know if contractors are or are not complying and what about subcontractors.

Alex Fernandez, Charter Review Board member, explained that the Human Rights

Committee currently has jurisdiction and has adopted a mechanism to investigate and hear such complaints. There is an employee in the Procurement Department that makes sure that current contractors of Miami Beach offers the domestic partnership benefits to their employees, this person could also cover this, Mr. Fernandez suggested.

Rick Kendle, Charter Review Board member, explained that the Charter Review Board took the contractor provision out because they were concerned with churches and other religious groups that may discriminate, and they did not want to have something in the Charter that may impact them without properly vetting the issue. They did not want something that may affect religious groups. This is covered by ordinances for now, and if they need to change it, they can think about that in the future.

Commissioner Góngora stated that the resolution was moved as is, and he would not offer to amend it at this time.

**July 17, 2013 at 11:58:47 p.m.**

**July 19, 2013 at 1:47:03 p.m.**

**ADDENDUM AGENDA 4**

R7R A Resolution Ratifying A Three (3) Year Labor Agreement Between The City Of Miami Beach And The Miami Beach Fraternal Order Of Police (FOP), William Nichols Lodge No. 8, For The Period From October 1, 2012 Through September 30, 2015; And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)

**ACTION: Resolution 2013-28300 adopted as amended by Commissioner Weithorn.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-vote: 6-1; Opposed: Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

**Amendments:**

1. Section 8.23, page 27 – adding the following language:

A) “Employee shall no longer be able to apply overtime off duty or any other pensionable earnings for the purpose of calculating a member’s retirement benefit that yields a benefits in excess of 11% of the salary at the time of retirement. This provision shall not apply to current Sergeants and Lieutenants.”

2. Section 11.1

“Physical fitness shall be \$500 tested and paid quarterly based on a system to be determined by the City and sun setting September 30, 2015.”

**July 17, 2013**

**12:02:41 p.m.**

Vice-Mayor Tobin stated that these labor agreements were added at the last minute and the public should know about them. Items added to the agenda as a last minute needs to be an emergency.

Mayor Bower stated that there are too many items added to the agenda as emergency items.

Vice-Mayor Tobin stated that his concern is adding two significant items to the agenda without public notice.

**July 19, 2013****1:47:03 p.m.**

Kathie G. Brooks, Assistant City Manager, explained that the pension assessed on this contract is the same as the contract for the International Association of Fire Fighters (IAFF) discussed earlier, contributing to the \$5.7 million, our savings, in the first year which equates to \$145 million net present value. Similar items between the two contracts are the 3% COLA in year three (3) 2014-2015, the sick sell back program is there, also additional steps for the classification of Police Officer, Lieutenant and Sergeants for the year 2015, and giving up some extra pays to offset some of the above. Eliminate the State of Florida Law Enforcement Accreditation Fee effective October 1, 2014, as well as reduce quality of life pay from \$67 to \$26 biweekly on October 1, 2014. In addition, because there is an increase in cost beyond the contract on September 30, 2015; they reduced the National Commission on Accreditation from \$40 to \$20; they reduced the shift differential by \$0.25; reduced court overtime minimum from 4 hours to 3.5 hours; there is offset by the second year of the additional step. It includes the non-pensionable hazardous duty pay in the amount of \$100 per pay period. It includes an infectious diseases presumption. We also agreed to do an audit of the detention officer pay. Implementation of a voluntarily quarterly physical fitness assessment incentive of up to \$500 quarterly, non-pensionable and will sunset at the end of the contract on September 30, 2015. There are other non-economic provisions: Extends the promotional list to 24 months and includes post-employment health program. One significant difference in pension between Fire and Police is the ability to adjust pensionable pay for Fire is up to 11% of current pay, and for FOP is 70% of next highest rank. They tried to negotiate to 11% consistent with Fire, but were only able to get in this tentative agreement to 11% for new employees. There were concerns of compression for Captains, and effective on October 1, 2013 they will be adjusting pay for Captains by 1% for each year of service as a Captain up to maximum of the range. In addition, Captains agreed to pay 2% of their pay towards health insurance. They will receive the COLA similar to when FOP receives a cost of living adjustment.

Commissioner Weithorn explained that this is the second COLA given to employees in six years. Based on the Executive Session, she is offering the following amendments to the contract;

**Amendments**

1. Section 8.23, page 27 – adding the following language:
  - A) “Employee shall no longer be able to apply overtime off duty or any other pensionable earnings for the purpose of calculating a member’s retirement benefit that yields a benefits in excess of 11% of the salary at the time of retirement. This provision shall not apply to current Sergeants and Lieutenants.”
2. Section 11.1  
“Physical fitness shall be \$500 tested and paid quarterly based on a system to be determined by the City and sun setting September 30, 2015.”

Commissioner Weithorn added that the physical fitness program is a voluntary program.

This has not been bargained, but she wants to offer and move with amendments.

Commissioner Weithorn made the motion as amended, seconded by Commissioner Libbin. She added that the testing has to be determined but could be based on a national program that is age adjusted. She added that since this has not been bargained it is subject to the Union approving

them and if not, they would be discussed in September. **She moved the amendments; seconded by Commissioner Exposito.**

Commissioner Libbin gave credit to Vice-Mayor Tobin not only for going to the police academy but also for having the wisdom to put this health incentive.

James Crosland, Labor Attorney, stated that Commissioner Weithorn correctly stated the amendments. He added that if the City Commission approves these amendments they would need to go to the police bargaining unit to be ratified. What is on the agenda does not include these amendments.

**Commissioner Libbin stated that the motion needs to be amended to say that is adopted with the amendments proposed.**

Commissioner Weithorn thanked the staff a little extra because she knows that this week many of them did not go home to try to finish this contract, and what made this extra hard was that the next day the City Commission meeting lasted until the next morning, and this includes the union representatives. If anyone thinks that government employees do not work hard, they are sorely mistaken at least in this City. She wanted to personally thank them extra because this was beyond what she will ever ask anybody to do.

Sergeant Steve Feldman, Miami Beach FOP Vice President, stated that he does not have their attorney present nor the President, Alex Bello, and he will need to take this information to the bargaining team and the membership will have to ratify it. He added that he does not have the authority to approve these amendments.

Commissioner Libbin thanked him and Alex Bello for the leadership they have shown and he is optimistic that these amendments will be acceptable.

A Voice-vote was taken; 6-1; Opposed: Commissioner Wolfson.

**July 19, 2013 at 1:16:27 p.m.**

**ADDENDUM AGENDA 4**

R7S A Resolution Ratifying A Three-Year Labor Agreement Between The City Of Miami Beach and The International Association Of Fire Fighters/Local 1510 (IAFF), For The Period From October 1, 2012 Through September 30, 2015; And Authorizing The Mayor And City Clerk To Execute The Agreement.

(Human Resources)

**ACTION: Resolution 2013-28301 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-vote: 6-1; Opposed: Commissioner Wolfson. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, stated that this is a tentative agreement that has been reached with the International Association of Fire Fighters (IAFF) and as the Commission knows, the most significant issue that the Administration tried to address was pension reforms. The annual pension contribution requirement for the Fire and Police pension plan is \$41 million a year for next year. There was a recommendation from the Budget Advisory Committee for a hybrid plan that would save the City \$2.5 million the first year, and \$74 million in net present value; and

although they were not able to achieve that plan, the Administration is presenting a plan that saves \$5.7 million in the first year, and \$145 million of net present value over the next thirty years. There were two significant things that enabled that number to be higher than what the Administration was trying to achieve with the hybrid plan: 1) the Unions felt that they wanted to make change for all the employees rather than the new employees and the non-vested, and since it is all employees, there is a bigger savings right away; 2) The Unions agreed to eliminate all buy backs except for military leave, which had an impact of over \$2.5 million over the first year. It significantly reduces risk. She explained the changes that drive the cost savings achieved: 1) Benefit multiplier for all employees hired prior to July 2010; under this plan it would be 3% for the first 15 years and thereafter increases to 4%. The maximum pension benefit is at 85%, instead of 90% currently. It was added that anybody who is at 85% and not of retirement age would be grandfathered into the 90%. Currently they have the rule of 70 for anybody hired prior to July 2010 with a minimum age is 47. Eliminated all buy back creditable service with the exception of military leave and eliminated the ability to transfer from the General Plan to the Fire and Police Plan. The vesting goes from 10 years to 5 years. They also allowed for extension of the DROP to five years but for two of those years there will not be retirement COLA. Additionally for new employees they changed their contributions from 10% to 10.5%. Other economic impacts, they agreed to a pilot program for sick leave sell back to sunset on September 30, 2015, which allows an employee to sell back, if they are on shift, up to 144 hours, and for non-shift up to 96 hours, which is what they earn in a year. They are also able to sell anything that they have not used less anything used as emergency vacation.

They added a step for Firefighter 1 effective April 1, 2015, and the estimated cost for the first year is \$91,000; with the second year being \$319,000. Holiday pay has been reduced from 9 hours to 6 hours. They are provided with non-pensionable hazardous duty pay of \$100 in a pay period. They are providing take home vehicles for three-day shift employees. They increased the on-call supplemental for Firefighters and investigators from \$100 to \$300 a month with an impact of \$6,000 a year. Increased the Union time bank hours from 500 to 600 hours. Increased paramedic certification pay from \$300 to \$500 and that is every two years. In terms of non-economic provisions, they eliminated the duration of promotional list from 36 to 30 months, this is the length of time that the promotional list is in effect; the domestic partner tax credit approved has been incorporated into the contract. The Fire Rescue recreation fund was eliminated. Established a post-employment health where \$20 is deducted per pay period from the employee's pay and is paid to them when they leave. In summary, the International Association of Fire Fighters' (IAFF) share of the pension savings is estimated to be \$4.2 million over the next three years. There is also a 3% COLA, and an overall savings of \$4.2 million over the three years of the contract.

Mayor Bower recognized Commissioner Weithorn for her efforts and the hard work that she put into each of the Union Contracts. She commended her for a job well done.

Commissioner Weithorn stated that she was appointed as the liaison to work with the CWA, Police and Fire Unions with their contacts. She thanked the Commission for their confidence in her. She added that it was time consuming, but she is pleased with where they are today. The first seven years the City gets more than double the savings of the Budget Advisory Committee hybrid plan, and in some cases, close to triple and even quadruple the amount. This means that the savings gives immediate savings to the taxpayers, and allow this Commission to use the savings in other places in the City. She acknowledged that she never expected the Union presidents and the Unions to do that. The entire bargaining teams bargained in good faith and agreed that all members would share the pain, and this is why we are seeing those savings. This is a big win for the citizens of the City. It is the first time that she can recall achieving meaningful

pension reform. To get \$145 million of net present value in pension changes is a real big number. To get under \$5.7 million in year one is more money in resident's pocket. She thanked Jose Del Risco, Sylvia Crespo-Tabak, Carla Gomez, Kelly Day, Kathie G. Brooks and the City Manager, and personally thanked staff for letting her be the hero today but only because of the work done by staff and the Union representatives. She also thanked our attorney Jim Crosland because every time she came up with a "crazy idea" he came up with a plan to make it legally possible. She also thanked the City Commission for working together, and the public should understand that only when a body works together do they end up with these numbers.

**Motion made by Commissioner Weithorn to move the item.**

Commissioner Wolfson stated that very good numbers were achieved, but objected, not a legal objection, that the agenda was dropped off on Wednesday night and was not publicly noticed. The public was not aware of all the discussions, and that is his objection.

Commissioner Góngora thanked Commissioner Weithorn for her hard work and thanked the Union representatives for stepping up to the table and maintaining the sustainability of the City. This will maintain the fiscal sustainability of the City.

Commissioner Libbin thanked the team that worked diligently. While both sides looked to gain things, they made progress, and at the end of the day, the law requires us to negotiate. To achieve \$145 million in savings is unprecedented. He thanked the leadership for stepping up and sharing the burden. They did more than incremental changes, and he again thanked the Unions and the leadership there.

Commissioner Exposito thanked Jacqueline Lalonde, Chair of the Budget Advisory Committee. The changes made will have a lasting effect. He thanked his colleagues for working together as a team. All the parties, the Unions, Union Presidents, Commissioner Weithorn and all of them working together got this done.

Voice-vote: 6-0; Opposed: Commissioner Wolfson.

Mayor Bower thanked Jacqueline Lalonde, Chair of BAC, for bringing this forward, and expressed her appreciation and the activism of residents. She also thanked the City Commission for dealing with this hard issue.

Commissioner Wolfson stated that he embraces a lot of the comments made but is concerned that two years down the line the unfunded liability will continue to increase; and hopes the unfunded liability comes down in the next two or three years and we see a trend in the right direction.

Commissioner Weithorn stated that the hot seat is now with Adonis Garcia, as the contract has to be ratified.

Jacqueline Lalonde, Chair, BAC, stated that she is happy to see significant savings, and they appreciate that the Commission approved the pension reform, and she thanked the Unions for stepping to the plate. It is a significant effort.

Commissioner Libbin recognized all the members of the BAC.

Adonis Garcia thanked Jacqueline Lalonde and her leadership. He thanked Commissioner Weithorn for all the hours she dedicated. The cuts were done with respect and integrity. He thanked the Commission and Kathie G. Brooks, Assistant City Manager, for a great learning process. He also thanked Sylvia Crespo-Tabak for her hard work, Jose Del Risco, Carla Gomez and for the hours they endured to get the job done.

Mayor Bower agreed that people do not see the hours that staff puts in to accomplish this. She knows that staff stayed well beyond 12 a.m. on many days, and people do not understand the hard work that goes behind it. She thanked all those who participated.

Commissioner Libbin asked when the ratification would take place.

Adonis Garcia stated that he would be mailing the ballots out on Monday.

**July 19, 2013 at 3:31:20 p.m.**

**3:31:53 p.m.**

R7T Calling for Special Election Creating (A)19 and (A)20 of the Miami Beach Citizen's Bill of Rights

1. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(20) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Created To Acknowledge The Purpose And Duties Of The City's Condominium Ombudsman As Assisting Condominium And Co-Op Owners To Navigate Through The City's Permitting Process; Facilitate Resolution Of Other Condominium-Related Issues With Other Outside Agencies; And Act As A Liaison Between Condominium Or Co-Op Owners, Management Firms And The City.

**ACTION: Resolution 2013-28302 adopted as amended by Commissioner Wolfson.** Item heard in conjunction with R7T2. Motion made by Commissioner Libbin to approve the item as amended; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. **City Attorney's and City Clerk's Offices to handle.**

**Amendment:**

CITY ASSISTANCE TO CONDOMINIUM AND CO-OP OWNERS

SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S ADMINISTRATION ~~CONDOMINIUM OMBUDSMAN~~ AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY?

**3:31:30 p.m.**

**Motion made by Commissioner Libbin to adopt the resolution.**

Commissioner Libbin introduced the item and stated that it acknowledges the purpose and duties of the City's Ombudsman to be included in the Charter.

Discussion held regarding the creation of a new position. Commissioner Libbin stated that it is an expression of sentiment that given our community make up, it is important for them to have access to someone in City government to be a liaison to them and that should be included in the Bill of Rights.

**3:35:15 p.m.**

Commissioner Wolfson asked Commissioner Libbin to rephrase the Charter question, and suggested language: Delete the words "Condominium Ombudsman" and substitute the "City Administration."

The questions to read as follows:

**CITY ASSISTANCE TO CONDOMINIUM AND CO-OP OWNERS**

SHALL PARAGRAPH A(20) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO ACKNOWLEDGE THE PURPOSE AND DUTIES OF THE CITY'S ADMINISTRATION ~~CONDOMINIUM OMBUDSMAN~~ AS ASSISTING CONDOMINIUM AND CO-OP OWNERS TO NAVIGATE THROUGH THE CITY'S PERMITTING PROCESS; FACILITATE RESOLUTION OF OTHER CONDOMINIUM-RELATED ISSUES WITH OTHER OUTSIDE AGENCIES; AND ACT AS A LIAISON BETWEEN CONDOMINIUM OR CO-OP OWNERS, MANAGEMENT FIRMS AND THE CITY?

Commissioner Libbin, the maker of the motion, accepted the amendment.

Commissioner Góngora asked if this language as amended is adopted, what occurs if the City Manager wants to remove the position, what would happen.

Jose Smith, City Attorney, stated that there has to be somebody in the City's Administration to do it, but this is only aspirational. There is no requirement that there be a specific position.

**Handout and Reference Materials:**

1. Ballot language

**July 19, 2013 at 3:31:53 p.m.**

2. A Resolution Calling For A November 5, 2013 Special Election, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach, Florida A Question Asking Whether Paragraph A(19) Of The Miami Beach City Charter Citizens' Bill Of Rights Should Be Created To Set Forth Therein The City Of Miami Beach's Policy To Cooperate With The Miami-Dade County Public Schools To Develop, Operate And Maintain A System Of Public Education, In Cooperation With Other Appropriate Governmental Agencies, Which Will Strive To Improve The Quality And Quantity Of Public Educational Facilities Available To The Citizenry Of The City Of Miami Beach, Florida.

(Requested by Commissioner Jerry Libbin)  
(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution 2013-28303 adopted as amended by Commissioner Wolfson.** Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice-vote: 6-0: Absent: Vice-Mayor Tobin. **City Attorney's Office to handle.**

**Amendment:**

IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO MIAMI  
BEACH CITIZENRY

SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS ~~TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION~~ , AND WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA.?

\_\_\_\_\_ YES  
\_\_\_\_\_ NO

Commissioner Libbin explained the item.

**Motion 1:**

Motion to adopt the resolution made by Commissioner Libbin; seconded by Commissioner Exposito. No vote taken.

Commissioner Weithorn stated that it is disrespectful to do this without the Charter Review Board reviewing, and suggested referring this item to the Charter Review Board. She added that she is not against it; she is against the process.

Rick Kendle, Charter Review Board member, stated that they have been working with Miami Beach United on amending the Bill of Rights, and the Charter Review Board is considering adding remedies in cases where a provision of the Citizen Bill of Rights is violated. He cautioned that there might be remedies outside of the aspirational portion of the City Charter. He added that it would be better to send these items to the Charter Review Board.

Discussion held.

Jacqueline Lalonde, Charter Review Board member, spoke.

Discussion continued.

Commissioner Góngora stated that there has been no notice on these items. The items that he proposed were suggested by the Gay, Lesbian, Bisexual and Transgender Committee (GLBT) and emailed to the members of the City Commission. He thought it was important, and referred it to the Charter Review Board, and they approved it.

Discussion continued.

**Motion 2:**

Motion made by Commissioner Góngora to refer items R7T and R7Q to the Charter Review Board for review; seconded by Commissioner Weithorn.

**Motion 1:**

Commissioner Libbin reminded his colleagues that his motion (Motion 1 above) was on the table for item R7T-2 to approve the item.

Commissioner Weithorn asked if there is an economic impact report on this item. It says they have it, but she has not seen one.

Discussion continued.

**VOICE-VOTE ON MOTION 1**

Voice vote: 4-2; Opposed: Commissioners Góngora and Weithorn; Absent Vice-Mayor Tobin.

Commissioner Weithorn stated that she objects to these items because the way the questions are worded may have a fiscal impact. She believes that she and Commissioner Wolfson have come up with a fix.

Commissioner Wolfson has concerns with the words “develop, operate and maintain.” Said language may require the City to take some action if the school system does not do it. It may require the City to create some sort of school administration.

Commissioner Libbin stated that it was not his intent to create a duty on the City, it is an aspirational goal. The policy is to cooperate, not to supplant the School Board.

Commissioner Góngora stated that he would support the amended language.

**AMENDMENT:**

**3:45:08 p.m.**

Commissioner Wolfson offered an amendment to remove the words “develop, operate and maintain”

Discussion continued.

**3:46:21 p.m.**

Commissioner Libbin restated the wording of the question, deleting the following words: “to

develop, operate and maintain a system of public education, in cooperation.”

Commissioners Wolfson and Weithorn indicated support for the amended language.

The question to read as follows:

**IMPROVEMENT OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO MIAMI  
BEACH CITIZENRY**

SHALL PARAGRAPH A(19) OF THE MIAMI BEACH CITY CHARTER CITIZENS' BILL OF RIGHTS BE CREATED TO SET FORTH THEREIN THE CITY OF MIAMI BEACH'S POLICY TO COOPERATE WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS ~~TO DEVELOP, OPERATE AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION, IN COOPERATION AND~~ WITH OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE CITY OF MIAMI BEACH, FLORIDA

**MOTION TO RECONSIDER:**

Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote: 6-0; Absent: Vice-Mayor Tobin.

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:** The following appointments were made:

**AFFORDABLE HOUSING ADVISORY COMMITTEE:**

Jeremy Glazer Resigned 6/28/2013

**BICYCLE-PEDESTRIAN FACILITIES ADVISORY COMMITTEE:**

Colby Reese Removed - Not able to participate  
Sharon Dodge Term ending 12/31/13 Appointed by Commissioner Góngora TL 12/31/20

**COMMITTEE FOR QUALITY EDUCATION IN MB:**

Rosa Neely Rep. of PTA for Treasure Island Elementary 6/30/14

**HEALTH ADVISORY COMMITTEE**

Todd Narson Health Provider Term Ending 12/31/13 Appointed by City Commission TL 12/31/16

**HISPANIC AFFAIRS COMMITTEE:**

Antonio Purrinos Removed due to absences

**POLICE CITIZENS RELATIONS COMMITTEE:**

Claire Warren Term ending 12/31/2013 Appointed by Mayor Matti Herrera Bower TL 12/31/18

**MIAMI BEACH COMMISSION FOR WOMEN:**

Gertrude Arfa Deceased

**PERSONNEL BOARD:**

Lori Gold	Term ending 12/31/14	City Commission Appointment TL 12/31/18
Laurie Kayes Davis	Term ending 12/31/13	City Commission Appointment TL 12/31/18

**July 19, 2013 at 4:40:47 p.m.**

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:** The following appointments were made:

**PERSONNEL BOARD:**

Lori Gold appointed to the Personal Board by acclamation.

Lori K. Davis appointed to the Personal Board by acclamation.

**Handout or Reference Materials:**

1. City Commission At-Large Nominations for July 17, 2013 – Release #1
2. City Commission At-Large Nominations for July 17, 2013 – Release #2
3. Mark Lawrence Rabinowitz, M.D., F.A.C.O.G., Resume (Health Advisory Committee)
4. Email from Wanda Geist dated July 11, 2013 forwarding an email RE: Lack on quorum on the Personnel Board from Gabriel Paez.

**12:30:04 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

**ACTION:** The following individuals spoke:

**Ronald Starkman**

Ronald Starkman, Director of the South of Fifth Neighborhood Association (SOFNA), commended the Commission on the professional and diligent process used to reach a decision on the Convention Center. He is here today to speak about the off leash dog area on South Pointe Park. SOFNA has a simple solution for making people happy. In April, SOFNA passed a resolution in support of an off leash dog area, but requested that the Commission engage professionals to study alternative locations before settling on the lighthouse. A letter stating this was sent to the City Commission and Parks Director Kevin Smith on April 29, 2013. At the May 8<sup>th</sup> Commission Meeting no consideration was given to looking at alternative locations other than the lighthouse, and a quick decision was made to continue with that location on a probationary basis. There was a long discussion on the merits of a hedge and the Parks Department was directed to come up with a design for the hedge to enclose the off leash area and submit that to the DRB. At the June 4<sup>th</sup> DRB Meeting, William Cary, from Planning, submitted a report detailing the deficiencies of the lighthouse location as an off leash dog area. However, since there were so few Board members present the matter was continued to July. At the July meeting, Kevin Smith advised the DRB that the planning report was not relevant, since the DRB had no standing to consider whether or not the lighthouse location was acceptable, that they should only opine on the design of the hedge. He further stated that the Commission had already ruled that the a hedge be there, and that the Commission can override the decision of the DRB. Art in Public Places presented an impassioned appeal as to why the hedge was in conflict with the artistic intent of the site. The artist sent a letter objecting to the hedge. The DRB after an hour of discussion very reluctantly approved the hedge, but they would have preferred that the off leash area be in another location.

There is in fact at least one other location that could work, that is in the space across the walkway from the current location where the sewer pipe is now being installed. Kevin Smith has said that he has some ideas for alternative locations, but that his hands were tied since the Commission already ruled in May that the location be in the lighthouse. SOFNA said in its resolution if other solutions have been explored and the lighthouse location is preferred by professionals, they will support it. It is just that staff has not been given a chance to consider other alternatives. He hopes that staff will be allowed to do that before the hedge is put up.

**12:30:54 p.m.**

**Henry Stolar**

Mr. Stolar described what the Commission authorized 14 months ago, by way of a \$150,000 study by Crowe Horwath in response to the criminality that was taking place, and what the City actually received 14 months later as "alternate universes." In April 2012, there were seven arrests, five Code Compliance Inspectors and two Fire Inspectors; on the most outrageous charges, there were indictments and convictions. All seven people today are in the penitentiary in the State of Florida. When the City Commission authorized the study as part of the anti-crime package 14 months ago, it stated in the May 9, 2013 Resolution: "based on the recent arrest of Code Compliance and Fire Inspection employees, the City called for immediate action to obtain this outside audit." Fourteen months later, "this is what you received," and Mr. Stolar hopes that everyone has copies of it and has had a chance to read it. Both are as far apart as any two items could be. The Code report begins by stating that it is an efficiency and effectiveness study, and refers vaguely to an earlier investigation. The City in good faith committed \$150,000 of taxpayers' money because there was crime-taking place in this building. What was received was this undated, unsigned, no transmittal letter, no identification to do the work, and not even an identification of which office did the work. A year or three years from now, if somebody wants to look at this [document] and find out where it came from or why it was authorized, they would not be able to connect the dots back to this resolution because there is nothing on its face. If we move on to the design of the study, which was to ask the same City people twice, both at the front and at the back end of the study about the processes, and from day one every one that interacted with the City was systematically excluded from this process; it was "hear no evil, see no evil, speak no evil" no matter how much contact you had with this building. Mr. Stolar begged and pleaded for weeks and finally was granted an audience and was given a very nice opportunity to present what was probably 90 uninterrupted minutes, a series of factual situations that did not imply to him or anyone else that there was criminality, but which addressed the purpose of the study, which was potential process gaps, opportunities for money to move across a table in an envelope. Mr. Stolar was trying to get the attention of this closed process to look at what those opportunities were, and he was very specific and he itemized them. He asked for them to look at these areas. It is interesting that after the 90 minutes of his presentation, nothing survived. After his presentation, it was determined that the study was never going to take any evidence from anyone in the public. Mr. Stolar tried and was politely received, but he believes that he failed. What did the City get for \$150,000? Two substantive areas were mistreated and misunderstood in this study; one of them was the noise ordinance, the flat statement of what the noise prohibition is, is just plain wrong; it contains and has no recognition whatsoever of the fact that this has been litigated and that there is a standard, which has been approved, and that there has been a lot of effort and time to get to that standard; in fact, it talks about decibel measures which were abandoned for good reason years ago, and finally in a revision they cleaned that up, but it simply shows the detachment in the work that was done on the study. In the Planning Department, it says that there were 60 current applications that were examined. When this was presented to the Finance Committee, the Acting Planning Manager stated that he did not know what they were talking about; he probed and found out that they were talking about the administrative review

matters that are fairly superficial. Out of 60 of those they looked, only four were conditional permit applications. That is more where the problems potentially are, not just in the conditional permits. What is the business of the Planning and the four Land Use Boards? The Planning Board issues conditional use permits, the Historic Preservation issues certificates of appropriateness; the DRB issues design approvals, the Board of Adjustment issues variances. Now, would it not have been worthwhile to probe deeply into what was going on in those four critical areas? That was ignored by the study completely. This Commission labored in good faith, spending serious money, you were trying to fight crime, but the City did not get the benefit of the bargain and the taxpayers' money spent.

Commissioner Weithorn unfortunately disagreed with Mr. Stolar, as he focused in two areas. She was not happy with the noise recommendation and concurs with him on that issue. However, they asked for a review of the internal control policies and procedures in the City, which allowed what occurred via the arrests to be analyzed, as of how did this happen and where else could it happen in the City. That was the purpose of the report, and that is what they delivered. She thanked Commissioners Góngora and Exposito from the Finance and Citywide Projects Committee, they thoroughly reviewed the report item by item, and came up with recommendations, and came up with two working committees to implement everything that needs to be changed; which is quite extensive according to the recommendations. They understood that in many cases they highlighted risks that perhaps did not go to the level of a real internal control deficiency, but were certainly things they need to work on. She does not think it was a waste of money, they examined 60 applications and found deficiencies in almost all of them; they pointed out that the City was not following City policies, they were not monitoring what they should, not following procedures in some cases, and where there were written procedures, often they had gaps. Additionally, they pointed out a series of other potential control risks, which when they are done with the first report, they have to go back. They had a culture of insufficient internal control procedures, a culture of not monitoring when they had procedures in place that they were followed. Commissioner Weithorn discussed that in order to have fraud, the opportunity has to be there. The only purpose of the study was to close opportunities; they will never be able to close every single one in an organization this size; that is the risk they deal with and that is why they have an Internal Audit Department, and why they should be having Senior Management doing surprise inspections and changing what they are doing. However, to think that this study would fix every problem in the City is very idealistic. That is why at the Finance and Citywide Projects Committee, in a two-hour meeting, they decided that they needed this working committee with steps. They appointed the City Clerk and Chief Financial Officer to lead that process, as noise was not handled in her opinion, as it should be, and will be led by Assistant City Manager Joe Jimenez. They recognize there is more work to do, but for Mr. Solar to stand there and pretend that they do not recognize that, she really finds it hurtful, because no one expected this study to put a Band-Aid and fix everything. All the study can do is tell us what is wrong. Commissioner Weithorn applauds almost every single department she has dealt with on how to address and deal with this to fix it; no one has tried not to admit that there are errors and problems, and she does not want Mr. Stolar to discourage the work that has begun, and she takes exception to much of what was said.

Mr. Stolar asked that they disclose this "hermetically sealed" study and let other people that interact with the City, and let them tell the City what they see.

Commissioner Weithorn clarified that there is a noise committee to address that issue and the committee to change policies.

Commissioner Exposito asked the question regarding to Crowe Horwath, and the reason he asked is because he received outrage from the community from people that want to get involved; these people are proposed members, they are not specific members, and if anyone in the public wants to participate they can tell/approach the City Clerk's Office and submit a memorandum to him regarding this.

Vice-Mayor Tobin commended Mr. Stolar for his hard work for the City in so many different areas. Two and a half years ago, he attended a seminar regarding efficiency and public safety in the Fire and Police Departments, and he asked them to do an analysis and nothing has been done; he can appreciate his frustration; things do happen for political reasons, and if not for people like Mr. Stolar this would not be such a great community. Unions do not want the study.

Commissioner Góngora stated that Mr. Stolar did a lot of work on this and Commissioner Weithorn put in a lot of effort; the intent is there; the study was not necessarily a waste of money, but it was a start, it is not a final destination as far as making the departments better. He saw the report as the start of the process. That is where the public input and the public that uses the departments will be used. He encouraged him to get involved.

Commissioner Libbin asked what the policy on creating committees is.

Commissioner Weithorn stated that it is not a committee, it was a "working group"; there are recommendations and ideas that need to be discussed; it is not intended to meet on a regular basis.

Commissioner Libbin stated that any and all committees created should have public input and added that staff should be appointed advisors. He is supportive.

Commissioner Weithorn explained that one working group is staff, to change City policy. That never belongs in the public realm. The second group was specifically created for noise with the biggest disagreement and inefficiency we felt there was, to get input, and then create new policy.

Mr. Stolar emphasized the importance of bringing in all people that have contacts and relationship with the City.

Vice-Mayor Tobin suggested that Mr. Stolar meet with the City Manager. **Administration to handle.**

#### **Patricia Fuller**

Patricia Fuller, Art in Public Places Committee member, spoke on the off-leash temporary dog area. They are supportive of the staff's recommendation that in accordance with the artist's wishes, there will be no hedge surrounding the sculpture, and at no point in this process was the committee asked to make a recommendation. They are very concerned and the issue here is that the City is ignoring the artist, and if they do that, and go forward with this hedge, they object to that. They want to be part of the process and want to come up with a better solution and added that artists should be treated with respect.

Vice-Mayor Tobin stated that the artist is doing the gate for the pier as well.

Discussion continued.

**Paul Jonas**

Mr. Jonas stated that he agrees with Mayor Bower to having Commission meetings twice a month. He spoke regarding the unfunded liability. The Fire and Police estimated unfunded liability is \$382 million and liability is \$215 million. Just about \$600 million and these contracts will exempt the problem, because they are not freezing the pension as part of the contract; he thinks the public should be involved and these contracts should not be approved. They need to change from a defined benefit plan to a defined contribution, so the City does not have two or three years in its budget owed to these people. He hopes the contracts are not approved.

**Alberto Machado**

Mr. Machado is a US citizen, everyone knows him for over two years, and he keeps asking why a 185-pound bus driver hit his chest, broke his rib and is still driving buses. Why did a driver break his ribs and is still driving buses? That is a felony of the third degree. The oil drilling in Cuba is still going on; nothing has taken care of that. Elsa and Randi in Property Management are doing a great job with people of low income. Senior citizens, veterans, tourists in general, are being mistreated by bus drivers. They treat customers bad. Why do dispatchers on weekends not send buses to the beach? Why is this tolerated by the transit department on Miami Beach? Many other things are wrong with the transit department; Larry Gordon has been a very nice person. He needs a light rail bike. His bike is very heavy and he needs a light bike. There are over 37 bikes, why can he have a small bike that he can handle.

Mayor Bower explained that they tried to get him a bike and he did not want it.

Jimmy L. Morales, City Manager, explained that they tried to get a bicycle for Mr. Machado from the Police Department, but they do not have one that he wanted. Discussion held. He stated that Mr. Machado went and looked at the bike and did not find one that met his needs.

Commissioner Libbin asked if there were any surplus bicycles. Mayor Bower stated that they have been trying to get him a bike, they do not have to get him a bike, and they do not have the bike that he wants. They asked the Police Department to search their inventory, and apparently, they do not have the bikes that he wants.

Vice-Mayor Tobin asked if anyone in the public has a light bicycle for donation, to gift to Mr. Machado.

**Eric Stevens**

Mr. Stevens stated that they finally adopted the straw ballot language on medicinal marijuana and to put it on in November, and requested that they move forward with this issue. (See item R7G.)

**Patricia Fuller**

Ms. Fuller asked about the item on the gate, and Mayor Bower explained this was a Consent Agenda Item that was voted on already.

**Eric Zichella**

Mr. Zichella briefly asked for discussion and policy in going forward, bringing to Finance Committee, the process to select contractors for the series of undergrounding, roadway and streetscape improvements; they raised the issue with Public Works and CIP department, and there has not been movement on it; it is not in the best financial of the City by selecting teams of vendors based on qualifications, with an objective or subjective review of an oral presentation you get, you only get one financial bid; there are other alternatives to approach this better; the way is

being implemented in the City is not efficient. He hoped that they give it an overview and consider.

Commissioner Weithorn asked if he is lobbying on behalf of any clients that would benefit from this conversation.

Mr. Zichella stated that he is a lobbyist but he believes this is in the best interest of the City. On a pending issue, they feel that the project is important for the City to go forward and they did not object; however, on future projects going forward, other alternatives should be considered at committee.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:** No speakers present when the Sutnick Citizen's Forum was called at 9:16:09 p.m.

**Benita Argos:**

Thereafter, at 11:51:30 p.m. Ms. Benita Argos spoke. Ms. Argo stated that she wrote her statements before the commission voted on the Convention Center project, but it still holds true. She stated that both Convention Center projects are "too ambitious, too glitzy, too much glass and too much unneeded open space." The projects are not keeping with the architecture of Miami Beach. People in 90 to 95 degree heat do not want to take a stroll in a plaza; they want to get into air-conditioning.

If we were to enlarge our Convention Center, within 5 years another City will build a bigger and newer one, and Miami Beach will be back in the same spot. At what point is bigger too big? What she hoped the Commission would do was reject both projects and send them back to the drawing boards to consider her proposals. We do not need two bridges over the Collins Canal, do not close Convention Center Drive, as that is a big mistake, and leave 17<sup>th</sup> Street alone – if anything 17<sup>th</sup> Street needs to be enlarged. The City only has so much roadway to bring people to the Convention Center while allowing the taxpaying citizens and business people access to get around. 17<sup>th</sup> Street is an east/west artery and needs more lanes, not less. The quality of life in Miami Beach during this year's winter season "stunk." You could not easily get around town, the streets were clogged, and it took 20 to 25 minutes to drive one block. The parking charges on private garages were unbelievable. Ms. Argos then recounted the parking expenses she incurred while going to the doctor.

If there is a new outdoor venue at the Gleason and a program at the same time at the New World Symphony Park, the attendees will not be able to enjoy the programming, as the sounds would clash. The Commission should remember the Noise Ordinance, and the trouble the City has had on Ocean Drive. The noise will also be heard by the attendees of the Convention Center.

Ms. Argos does not agree with bringing down the 17<sup>th</sup> Garage, as it is needed for Lincoln Road.

The Convention Center Hotel and Ballroom belong on top of the Convention Center, and the P-Lot should be enlarged, and include handicapped parking on the first floor, no housing, retail or restaurants unless in the Convention Center itself. She suggested putting the hotel also at the current location of the Botanical Gardens, and keeps the current Botanical Gardens as the grounds of the hotel.

As a new proposal she suggest considering installing a "safe house" at the Convention Center from the second floor up. That is in case if we have a category 5 hurricane and people cannot get out of the island in time. It should be large enough to hold 5,000 to 10,000 people. The Convention Center, based on our weather, should not be largely built with glass.

**July 19, 2013 at 5:39:45 p.m.**

R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** See item R7N. Item referred to the Land Use and Development Committee. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice-vote: 6-0; Absent: Vice-Mayor Tobin.

Kathie G. Brooks, Assistant City Manager, stated that on the Convention Center Item, they are asking for a referral to the Land Use and Development Committee, for any land development code requirements to implement the program.

**July 19, 2013 at 4:43:08 p.m.**

R9D Discuss A Resolution Requiring The Two Short Listed Proposer Firms Being Disqualified If They Do Not Submit The Required Affidavits On Or Before May 1, 2013, For The Convention Center RFQ.

(Requested by Commissioner Jonah Wolfson)  
(Deferred on June 5, 2013)

**ACTION:** Item withdrawn by Commissioner Wolfson.

**July 19, 2013 at 4:44:06 p.m.**

R9E Discuss Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida And/Or A Referral To The Land Use And Development Committee To Discuss Said Section 74-1.

(Requested by Commissioner Jonah Wolfson)  
(Not Reached on June 5, 2013)

**ACTION:** Item referred to the Land Use & Development Committee. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. Richard Lorber to place on the committee agenda. **Hernan Cardeno and Stephen Scott to handle.**

**July 19, 2013 at 4:45:03 p.m.**

R9F Discussion Regarding The Protocol Of Items The Commission May Entertain During Sutnick Hour.

(Requested by Commissioner Jorge R. Exposito)  
(Not Reached on June 5, 2013)

**ACTION:** Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Exposito; seconded by Commissioner Weithorn; Voice-vote: 6-0; Absent: Vice-Mayor Tobin. Barbara Hawayek to place on the committee agenda. **Joe Jimenez to handle.**



**July 19, 2013 at 4:44:10 p.m.**

R9G Discussion Regarding The Miami Herald Story Regarding Sewage On Meridian Avenue, The Grease Pan Ordinance, And Other Preventative Measures To Stop This From Happening In The Future.

(Requested By Commission Michael Góngora)  
(Not Reached on June 5, 2013)

**ACTION:** Item referred to the Land Use & Development Committee. Motion made by Commissioner Góngora; seconded by Commissioner Libbin. Voice-vote: 6-0; Richard Lorber to place on the committee agenda. **Eric Carpenter to handle.**

**12:06:31 a.m.**

R9H Request Rental Fee Waivers For The Use Of The Colony Theater And The Miami Beach Botanical Gardens For The Sustainable Authentic Florida Conference, To Be Held In Miami Beach, October 23-25, 2013.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. **Resolution 2013-28306 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote 7-0. **Max Sklar to handle.**

Mayor Bower introduced the item.

**5:15:54 p.m.**

R9I Report On The Status Of The Flagstone Island Gardens Project Planned For Watson Island.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. Item heard in conjunction with items R9J, R9K, and R9S. Motion made by Commissioner Góngora to pursue this issue in any and all administrative governmental levels necessary, from the DRI to the City of Miami, to Planning Board meetings, and to file any legal action deemed necessary to protect the City of Miami Beach; seconded by Commissioner Exposito; Voice vote: 7-0. **City Attorney's Office to handle.**

Jimmy L. Morales, City Manager, introduced the item and stated that there are representatives from the community that have organized to fight this effort, and he announced that an LTC on the subject had been distributed.

Joe Jimenez, Assistant City Manager, made a presentation. He explained that this is the first time they get direction from the City Commission on this important issue, but they have followed the issue since it became public, which unfortunately was very late. Lyle Stern and Frank Del Vecchio have facilitated the forming of a coalition consisting of neighborhood associations, members of the Chamber of Commerce and other interested residents and they have met with them as well. The City Manager and he have attended Downtown Development board meetings where this issue was discussed; however, it was pulled from the agenda by Commissioner Suarez from the City of Miami. Currently, Mr. Held and he, with Mr. Smith and the City Manager, have begun looking at legal and political options. He met with some of the lobbyists, Mr. Rutledge and Mr. Gomez, and has strategic plans, but are awaiting for City Commission's direction. They have discussed to not only make it a Miami Beach issue, but to recognize that this is a State issue, a

regional issue, a County issue and a City issue, that affects a huge number of people within the DRI. The Watson Island Development is part of the large Development Regional Impact (DRI), so they are not just creating the extra density, but they are moving from a dense street of Downtown, designed to activate that area, and having a good vibrant and active Downtown adjacent to Miami Beach is a good thing; having a dilapidated Downtown is not a good thing. Administration recommends that for now, after this project is vetted, there is no study telling them what the traffic impact is going to be; there is no study to the DRI to tell what the government affects is to them. The City will not necessarily oppose the project, but they need more information; nothing has been done recently that takes into the account the Port Tunnel, the new popularity of the American Airline Arena, which generates more traffic. With respect to that, they are asking for the City Commission's support and urge the public to vet this properly and to be transparent, with civic participation. At this time, what is happening across the bay is not consistent with that. The proposal to them is to build a coalition with the affected property owners in the City of Miami Beach; this issue is not necessarily a tussle between the two cities; the first step has to be to do it right; once all the information is gathered, then the City can take a position. Even the County Commissioners of the Districts did not hear about this until it was reported in the newspaper.

Commissioner Góngora has been upset about this project, and his issue is the lack of transparency with this project. He does not believe in telling the City of Miami what to do, but this project on Watson Island is at the entranceway of Miami Beach, and this Commission needs to take a more proactive role than what they have taken in the past. This project will have a huge impact on the quality of life and traffic issues in the City. He would like to oppose this and they have to take whatever actions they need to take to protect the City. He urged the Administration to keep them informed.

Mayor Bower agreed with Commissioner Góngora and stated that this is a battle that they need to get intimately involved with; the community is upset and she was upset when she heard about it. They cannot wait until it happens.

Commissioner Libbin attended a meeting last week and raised the issue about whether or not the City has standing. He asked if this was researched.

Gary Held, First Assistant City Attorney, stated that they have not finished researching, and when it is appropriate and complete, they will come back with a report.

Commissioner Libbin stated that some business owners have or are planning to file lawsuit, and asked if they have a standing and prepare a plan of action.

Discussion held.

Gary Held, First Assistant City Attorney, explained that there are three actions that the City of Miami is going to be taking: 1) Amend the development order of the DRI, 2) Amend the Major Use Special Permit that approved the project previously; and 3) Enter into lease negotiations; at least two of those are quasi-judicial hearings before the City Commission including a quasi-judicial hearing in front of the Planning Board of the City of Miami. Challenging that is likely going to be a petition for a writ of certiorari to an appellate court based upon the record. We make an appearance and Miami Beach might have standing; but determinations at that hearing will determine the kind of lawsuits that are filed; other actions may be filed, it is not clear whether the City has the right to file or not. Discussion held.

Commissioner Libbin asked what actions they could take politically with the Governor, Tallahassee, Mayor Gimenez, short of a lawsuit.

Joe Jimenez, Assistant City Manager, stated that they have begun speaking to all 13 DDA board members, and if majority agrees to ascertain rights that there is a disagreement, they would proceed legally themselves.

Discussion continued.

Jimmy L. Morales, City Manager, stated that some years ago the Legislature significantly watered down the applicable Comprehensive Plan Rules and DRI rules, and the City of Miami is taking the position that while prior to that time this would have required a DRI application for those items, they are not taking the position that Miami can be the applicant and disregard the DRI. Members of the DRI strongly disagree with that and that is part of their building allies in the process.

Discussion continued regarding the City's standing on the issue. The Mayor stated that she does not want to wait, she rather ask the questions now.

Joe Jimenez, Assistant City Manager, explained that the Department of Economic Opportunity, State Agency successor to the DCA, which would oversee this, they can be spoken to politically to see what jurisdiction they may have. One of the reason Mr. Held has not finalized the research is that they do not have the final action.

Mayor Bower asked why can they go and ask the State what is needed so that they know what is going to occur without suing, if they are not gathering the knowledge, can the City gather the knowledge in order to be ahead of the game? **Joe Jimenez and Gary Held to handle.**

Discussion continued regarding traffic impact.

Commissioner Wolfson stated that if they are going to talk about legal strategy, he suggested that Legal do their research before asking for standing. Mayor Bower agreed, but stated that she wants to gather all the information available, and ask the questions they have in order to be prepared. She wants to know the answers if available.

Commissioner Wolfson asked if there is such a strong opposition to this project, why there is no opposition to building an 880-room hotel, and 90,000 square foot of retail and the land been given away in the City of Miami Beach.

Discussion continued.

Lyle Stern spoke.

Frank Del Vecchio spoke.

Pierre De Augustine spoke.

Victor Diaz Esq. representing Paul Cejas spoke.

Sam Dubbin Esq., representing a City of Miami Resident, spoke.

Gerald Posner spoke.

Charles Urstadt spoke.

Motion made by Commissioner Góngora to pursue this issue in any and all administrative governmental levels necessary, from the DRI to the City of Miami, to Planning Board meetings,

and to file a lawsuit if necessary to protect the City of Miami Beach; seconded by Commissioner Exposito; Voice vote: 7-0. **City Attorney's Office to handle.**

Commissioner Libbin asked if there is a need to appropriate any moneys to budget.

Jimmy L. Morales, City Manager, stated that since the motion included initiating lawsuits, he assumes that this will include retaining counsel, conducting studies, and retain professionals needed.

Jose Smith, City Attorney, will meet with Sam Dubbin and Ambassador Cejas and will figure out what the strategy will be. They will do whatever is needed and the Administration and the City Attorney's Office will report to the Commission where they are and what they need.

Discussion continued.

Vice-Mayor Tobin stated that if donations are needed for the fight that Dubbin is waging, maybe there is an economy scale as well that may be considered. Mr. Smith stated that this will be part of his conversations with him.

Handout or Reference Materials:

1. LTC 245-2013 RE: Watson Island Proposed Development
2. Email from Frank Del Vecchio, [fdelvecchio@atlanticbb.net](mailto:fdelvecchio@atlanticbb.net) dated July 10, 2013, RE: Petition to City Commission re Watson Island Development.
3. Email from Frank Del Vecchio, [fdelvecchio@atlanticbb.net](mailto:fdelvecchio@atlanticbb.net) dated July 14, 2013, RE: Charter Petition to Oppose Increase in Watson Island Development.

**5:15:54 p.m.**

R9J Discussion Regarding The Hotel, Marina And 600,000 Square Foot Mall Planned For Watson Island, And Direct The Administration To Research The Impact Of This Project To Traffic Entry Into Miami Beach And Any Effect On Our Businesses.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Discussion held. See action with Item R9I. Item heard in conjunction with items R9I, R9K, and R9S.

**5:15:54 p.m.**

R9K Discussion To Direct The City Manager And City Attorney To Meet With City Of Miami Concerning The Watson Island Development Proposed By Flagstone Property Group And Related Companies, And To Take Any Steps Necessary, Including Legal Action, To Safeguard Miami Beach Residents Quality Of Life.

(Requested by Commissioner Michael Góngora)

**ACTION:** Discussion held. See action with R9I. Item heard in conjunction with items R9I, R9K, and R9S.

**4:23:55 p.m.**

R9L Discussion Regarding The Hispanic Affairs Committee Motion On Hispanic Heritage Month.  
(City Manager's Office)

**ACTION:** Item withdrawn by the City Manager.

**11:33:22 a.m.**

R9M Discussion Regarding Red Light Cameras In Miami Beach In Light Of A New State Law That Goes Into Effect On July 1, 2013.  
(Requested by Commissioner Michael Góngora)

**ACTION:** Discussion held. Item discussed in conjunction with item R9Q. **Item referred to the Finance and Citywide Project Committee.** Motion made by Commissioner Góngora to refer to FCWPC; seconded by Commissioner Libbin; Voice vote: 7-0. Patricia Walker to place on the committee agenda. **Michael Gruen to handle.**

City Clerk's Note: See action with Item R9Q.

**July 19, 2013 at 4:43:08 p.m.**

R9N Discuss Obtaining A Full Release By Both Bidders To The Convention Center Project, South Beach ACE Tishman UIA OMA And Portman-CMC Stating That: If They Are Not Selected, They Will Not Sue And Will Have Zero Recourse Against The City Of Miami Beach; And If They Are Selected And The City Of Miami Beach Decides To Cease Negotiations With Them For Any Reason Whatsoever, They Will Not Sue The City Of Miami Beach And Will Have Zero Recourse Against The City Of Miami Beach.  
(Requested by Commissioner Jonah Wolfson)

**ACTION:** Item withdrawn by Commissioner Wolfson.

**July 19, 2013 at 3:47:56 p.m.**

R9O Presentation Of Certification Of Signed Petitions Submitted By "Let Miami Beach Decide," A Political Committee, Petitioning The City Commission To Submit To The Electors Of Miami Beach Amendments To Section 1.03 Of The Miami Beach City Charter.  
(City Clerk's Office)

**ACTION:** Item not reached at the July 17 2013 Commission Meeting and deferred to the Continuation of the Meeting on July 19, 2013. Heard in conjunction with R7M.

Rafael E. Granado, City Clerk, stated that pursuant to Section 7.04 of the Miami Beach City Charter and Section 6.03 (A) of the Miami Dade County Code, on June 12, 2013 the City Clerk submitted the original signed petitions submitted by Let Miami Beach Decide, a political committee, to the Miami-Dade County Elections Department to determine if the petitions have been signed by 10% of the qualified electors of the City of Miami Beach. According to the Miami-Dade County Elections Department, as of June 12, 2013, the City had 43,963 registered voters, thus requiring the signatures of 4,396 qualified electors to call for an election to amend the City Charter. On July 2, 2013, the Miami-Dade County Elections Department completed the comparison of signatures on the submitted petitions against the signature on the voter's roll of the

City of Miami Beach, and determined that out of the 7,432 signatures submitted, 5,329 are certified as matching the signatures on the voter roll of the City of Miami Beach. Accordingly, the Department of Elections has confirmed that the subject initiative petition contains the required amount of signatures.

Commissioner Libbin stated that he just read the number of signature required is 4,369, but there was a previous e-mail stating that the number was 4,900.

Rafael E. Granado, City Clerk, stated that the number of qualified and registered voters as of July 5, 2013 in the City of Miami Beach is 44,009. Unfortunately, the number was provided by Elections on July 5, 2013 of 49,754, and communicated to candidates via email on July 5, 2013, contained both "active and inactive registered voters." Clerk's Note: Pursuant to F.S. 98.065(4)(c), the names on the inactive list may not be used to calculate the number of signatures needed on any petition. A subsequent email was sent on July 8, 2013 correcting this. A letter was also sent to the candidates. **Rafael E. Granado to check as to the number of elections that voter must not vote in to disqualify him/her as an elector.**

Handout or Reference Materials:

1. Certification of signed petitions submitted by "Let Miami Beach Decide, PAC."

**July 19, 2013 at 5:20:39 p.m.**

R9P Discussion To Immediately Reinstate The Fee Waiver For Sidewalk Cafes In North Beach.  
(Requested by Commissioner Jerry Libbin)

**ACTION: Item referred to the Finance and Citywide Projects Committee; and bring back proposed Ordinance to Commission.** Motion by Commissioner Libbin; seconded by Commissioner Wolfson; Voice-vote; 6-0; Absent: Vice-Mayor Tobin. **Patricia Walker to place on the committee agenda. Patricia Walker, Eric Carpenter and Gary Held to handle.**

**REFERRAL:**

To Finance and Citywide Projects Committee

Commissioner Libbin stated that he had a meeting with someone from North Beach with a business on Ocean Terrace, who is being charged a sidewalk café fee. Commissioner Libbin remembers that the sidewalk café fees were waived for everyone in North Beach. He added that the City Clerk had done research and found that the fees were waived in 1998, but the fees were reinstituted back in 2003. That, however, is not his recollection as to what had occurred.

Additionally, Commissioner Libbin stated that Collins is a State Road, so legally the City cannot charge the sidewalk café fees, unless the City agrees to maintain the road, which he does not think the City wants to do. As result, they are singling out one or two businesses on Ocean Terrace for the payment of this fee.

**Motion:**

Motion by Commissioner Libbin to reinstate a waiver on all sidewalk cafes north of 63<sup>rd</sup>; seconded by Commissioner Wolfson.

Mayor Bower stated that if the businesses are long-standing businesses, they should pay equivalent to what is being paid by businesses on Lincoln Road or Ocean Drive. It is a fairness issue.

Commissioner Libbin stated that almost all the sidewalks cafés on North Beach are either on Normandy or on Collins, which are State Roads, for which the City is not authorized to charge a fee. There are one or two businesses on Ocean Terrace, and they have to pay the fee. It is not fair, as they cannot compete. Mayor Bower stated that she did not realize this.

Commissioner Góngora suggested that instead of leaving this fee waiver open ended, it should have a sunset provision and the Administration should do a study.

Mayor Bower stated that this item should be sent to Finance & Citywide Projects Committee for further follow-up. Mayor Bower suggested waiving the fees for a year.

Patricia Walker, Chief Financial Officer, stated that of all the sidewalk cafés that she has in North Beach, not a single pays a fee. She stated that the one business on Ocean Terrace is not a sidewalk café; it is as outdoor café not on public property. The business does not pay a sidewalk café fee because it is on private property.

Commissioner Libbin explained that this business on North Beach placed seats on the sidewalk and Code issued it a citation. Then the business took the chairs off the sidewalk. The business was then informed of the fees that he had to pay in order conduct sidewalk café business.

Mayor Bower inquired if this business has to follow the rules of come and get a plan approved. Ms. Walker stated "Yes."

Mayor Bower stated that the motion must include that all the other rules must be followed. They are merely waiving the fee for a year, to sunset, come back and do a study. It is her opinion that if the business is long standing, and it is making money, it should pay the fee. However, if they are only charging one or two business, and the rest they cannot charge, then she will reconsider her position.

Ms. Walker stated that all businesses pay an application fee to be reviewed by Public Works, and they all pay a concurrency fee initially. She added that there was an abatement of the fee in 2003 for two years, to be followed up by Administration. In 2007, the entire sidewalk café section of the Code was completely rewritten and that is when the exception went away.

Commissioner Libbin stated that is when the fee was inadvertently taken out.

Commissioner Wolfson stated that he is always for waiving fees.

Mayor Bower would like to know the financial impact of the fee waiver when it comes back.  
**Patricia Walker to handle.**

Jose Smith, City Attorney, clarified that the ordinance has to be amended, in order to waive the fee. Patricia Walker agreed. Mayor Bower stated that the item will be referred to Finance, and the proposed amended Ordinance will come back to the Commission.

**Motion Amended:**

The maker of the motion, Commissioner Libbin, accepted the referral to Finance and to bring back as ordinance to the Commission.

**11:07:31 a.m.**

R9Q Report On The 2013 State Legislative Session.

(City Manager's Office)

**ACTION:** Item heard in discussion with R9M. Discussion held. Oral report given by Gary Rutledge and Fausto Gomez.

Gary Rutledge acknowledged and recognized the City Commissioners and City Manager's efforts for traveling to Tallahassee and assisting with the legislative agenda. He also acknowledged Representative David Richardson and Senator Margolis, who will continue working with the City on FDOT issues. Kevin Crowder continues to be a great resource for them and they appreciate his efforts.

He bifurcated the issues that have global impact, which influence the City generally. At 30,000 feet, there were some significant pieces of Legislation that impact the City and its residents.

- a) There was significant election law reform that passed that reinstituted the 14 days of early voting and the Sunday before the election for early voting to be allowed again, which was disallowed in the previous election.
- b) There was significant long overdue increase in education funding to at a minimum of \$2,500 to \$3,500 per teacher.
- c) Affordable housing, because of the national mortgage settlement agreement reached in Florida, for the first time provided significant infusion of money in the SHIP and Sale program to the tune of \$100 million, which will be parceled out through both the State of Florida Housing Finance Corporation as well as the local funding.
- d) Regarding the issue of gun restriction, it passed the Legislature, which allowed for guns not to be carried by those that were mentally ill and had specific findings in that regard.
- e) On the destination resort, there was no legislation affecting or authorizing any new casino activity. The so call "adult arcades and internet cafes" and the problems that arose from that criminal legislation led the Legislation to criminalize much of those activities.
- f) The Legislature is conducting a gaming study, the first half of the study was released some days ago. The second portion of that study will be completed the beginning of October and that will be the information although not the recommendations contained for the Legislature when they commence session in March to make decisions as to whether or not to authorize the destination resort casino. Everything having to do with gaming will be on the table this session as a result of that study. A portion of the Seminole Indian Gaming Compact expires the following year, July 2015, and there is pressure to reauthorize.
- g) On the Stadium issue, he suspects that it would be difficult to get in the next Session to revisit that issue. This may be brought back but the prediction is not very encouraging.
- h) There was no specific funding for beach re-nourishment; however, the good news is that they have one of the largest allocations, \$37.5 million this last year for beach re-nourishment.

In answering Mayor Bower's questions, Kevin Crowder explained that the Department of Environmental Protection has finished a sand study that looks at the area from St. Lucie County to southeastern counties, and they are planning to begin community meetings starting in the north in St. Lucie County to discuss the findings of the study, which shows that there is

sufficient sand for their needs as well as the needs to the South. Discussion continued regarding community meetings. Discussion continued regarding beach re-nourishment funding.

Commissioner Wolfson stated that flooding, pension and beach re-nourishment are the three biggest issues as far as sustainability assets of the City. Mayor Bower explained that Mr. Crowder and Public Works worked together on this and this is a very important issue. They need to work through the County.

Jimmy L. Morales, City Manager, stated that Joe Jimenez, Assistant City Manager, would be the point person at the County working on beach re-nourishment issues.

Vice-Mayor Tobin added to Commissioner Wolfson's list delivery of essential services to the community as a priority, and agreed that there should be someone in Administration assigned to follow up on the beach re-nourishment issue. He added that at times the Army Corps of Engineers, who handle the dredging on the beach do things on the beach that do not necessarily make sense, so he suggested having that knowledge in advance and having staff in house responsible for the issue and have an advocate. Discussion continued. **Joe Jimenez to handle.**

Commissioner Weithorn agreed that it is important to have staff on the re-nourishment issue. This is primarily in the hands of DEP at this point. It is more about the Master Plan, and Port St. Lucie has more than enough sand to provide for all of us, but they need to buy in from Broward, Miami-Dade County and Port St. Lucie, so it is a much larger issue than the City can do alone. She thanked them for assisting. Mayor Bower, Commissioner Góngora and herself did a good job in representing the City, but they need someone assigned to this particular issue.

Commissioner Libbin stated that at the Blue and Green Diamonds Condominiums almost had no beach at all, and it is a dangerous situation. At that time, there was a commitment made to truck in additional sand if needed, but he does not think it has been done. **Eric Carpenter to handle and report.**

Mayor Bower requested a report item on the agenda or send an LTC on this issue. Discussion continued and Mayor Bower recognized the assistance from Miami-Dade County on the beach re-nourishment. **Administration to handle drafting report or LTC on beach re-nourishment.**

- i. There were attempts to reduce or eliminate certain of the abilities of local governments to collect the business taxes, but these did not succeed. There is no change. This issue will be coming back.
- j. There was an attempt to curtail certain of the revenue that the City receives from parking meters by FDOT, and there was going to be a study and a moratorium, but once again, that crashed at the end of the session, and there were no changes. This item is suspected to go back as well.

**11:30:47 a.m.**

Commissioner Góngora suggested hearing this item in conjunction with R9M. He explained that it was his understanding that there was a House Bill that passed that amended the procedures with regard to Red Light Cameras. Some municipalities are required to have a

Special Master or local governing board adjudicate these tickets. He met with the City Manager and City Attorney and was told the City does not have this in place yet. He requested a report as he was told the cameras were not producing income for the City. He suggested having a discussion on how to move forward with the Red Light Cameras. Report

Mr. Rutledge explained that the Red Light Cameras are controversial, and there are Legislators that do not believe they should be authorized. Other changes made in the Statute included the right turn on read, and whether a vehicle is too far into the intersection, were excused, not from a ticketing standpoint, but from a citation issue for Red Light Camera. There has been clear movement to restrict the use of these cameras to issue citations and generate money. This issue will go back and is a policy issue for this Commission in terms of what it wants to do. Discussion by Commissioner Wolfson continued regarding cameras and decrease of accidents. He requested number of accidents at Red Light Camera intersections. **Police Chief Martinez to handle report on Red Light Cameras.**

Motion made by Commissioner Góngora to refer the Red Light Camera Item R9M to the Finance and Citywide Projects Committee; seconded by Commissioner Libbin; Voice-vote: 7-0.

Vice-Mayor Tobin stated that he read that attorney Al Dotson had made a statement in the Business Section of a newspaper that said that he was able to get a Bill passed starting July 1st to allow cities to lend money to developers when developers made this public/private building infrastructure for cities. He asked clarification on the subject.

Fausto Gomez explained that this is a Public/Private Partnership Bill sponsored by Diaz De La Portilla in the Senate; it was quite controversial and at the end, the League of Cities took a position urging the Governor to veto it. The Governor did not veto it; but essentially it relaxes some of the rules on public/private partnerships and it has the opportunity now for local governments to lend money to private entities entering into contracts with local governments. The Bill has passed and signed, but it has not been enacted.

Vice-Mayor Tobin asked how worried they should be in regards to the super casino across the Venetian Causeway, and the lobbyists answered that they should be worried. Mr. Rutledge explained that the study, which will conclude by October 1<sup>st</sup> by Spector Gaming, would be an informational source. He does not expect that there will be direction on the report issued, it is just an accumulation of information. The Florida Chamber of Commerce and Disney World in particular have been the most active in opposition for the so-called destination resort casinos. There are some in favor and others in opposition. Discussion continued regarding proactive steps to take and direction to follow.

Mr. Rutledge will be happy to work with the City. He added that in addition to the Spectrum Gaming study, which will be concluded in September, it would appear that the Florida Senate and possibly the House in conjunction with the Senate is going to do a road tour and come to different portions of the State to have public hearings on what the gaming policy should be in the State. He would be surprised if they do not come to South Florida. A policy formulated by the Commission should be articulated at that time, in his opinion; and suspects that that chain of events would occur this fall immediately at the conclusion of the issuance of the report, because committee meetings are starting this fall in September and there maybe a little bit of await for one month to see how the report goes, but there will be that opportunity. Obviously, directions and your members, of which you only have two of course, one Senator and one

Representative, know where you stand on this. They have heard from you and us and others but that is not a lot of people. He thinks further communication from the City in regards to the State delegation would be appropriate.

Commissioner Weithorn asked if a **workshop** should be done. Discussion continued regarding the changing leadership in Tallahassee.

Fausto Gomez stated that the City should be worried about the casino/gaming issue, there are a lot of lobbyists working on the issue and a lot of folks pushing gaming, so they should continue to be concerned whether the timeline is next year or the year after next. Discussion continued regarding pari-mutuels.

Gary Rutledge stated that if they choose to have a follow-up workshop, he will be glad to have their team present and share their insights.

Vice-Mayor Tobin stated that in addition to what they are doing, land use lawyers on this end can fight to make sure traffic studies are here. He agrees to having a workshop.  
**Administration to handle scheduling a workshop on gaming. Joe Jimenez to handle.**

- k. Once again, there was no legislation clarifying the online sales tax collection that has been around for a long time.
- l. City's Living Wage and Domestic Partnership Ordinances were at risk during the Legislative Session. No successful challenge legislatively to those was made and he expects those issues to be back next year.
- m. The Local Preference Ordinances that the City has were protected again this session.
- n. There was no success in raising the sovereign immunity limits, which were raised a few years ago, but significant attempts to raise those to half a million, a million dollars or more from the current levels was there. There was no change although the issue will be back again in regard to the cities and the services tax, which is a complex and difficult issue, to try to hold local governments harmless if in fact there is a tax imposed on a state wide level which is a very desirable goal, but how can you deal with the local various governments that have higher and lower revenue streams is very difficult. In wrapping, he stated it is an honor for him to represent the City.

Fausto Gomez, reported on the following:

- o. On property insurance, there were a total of 63 Bills filed; 45 of which specifically were changes in Citizen and only one passed, probably the least harmful for the interests of South Florida.  
The 10% cap on existing Citizen's policyholders was maintained. Many of the Bills would have eliminated the cap. The other thing the Bill would do is to reduce coverage, unfortunately from \$1 million to \$700,000 over a three-year period. The new administration of Citizens eliminated the Inspector General so the Legislature took action and put that Inspector General in Statute and back in. Citizens insurance continues to be a significant issue.
- p. On pension reform, there was the House view, which was looking at the retirement system, which put every employee into a 401(K); and the Senate view, which had as its priority to reform local fire and police pensions. The Bills were moving through the process and the Senate Bill was with the League of Cities, but unfortunately, prior to it being sent to the House there was an amendment placed on the floor of the Senate and that amendment said you could not negotiate with your Unions to lower the benefit level from the pre-1999 floor. The amendment basically said you cannot lower the pension benefits from those established as

the floor of 1999. The Senate Bill to do 401(K)'s did not pass. It was passed out of the Senate and not taken up by the House. Pension continues to be an issue and it will be back on the agenda.

Commissioner Weithorn stated that this is number one priority in the Florida League of Cities and anything local governments can do to help support the League would be helpful and useful.

- q. Finally the Sober House Legislation, which are drug and alcohol rehabilitation homes in residential neighborhoods that are unlicensed and unregulated and they have sprung up all over the State of Florida, particularly with the real estate crisis and had operators come purchase homes and move individuals who are recovering from drug and alcohol abuse into residential neighborhoods. Those homes are protected by the American with Disabilities Act, and there is absolutely no regulation and no licensing of them. This is a three-year fight. Finally proviso language was put into the budget with the Department of Children and Families coming up with recommendations to the Speaker and the President by January 1 of this year and developing a mechanism to license, regulate, inspect Sober Houses and how do you prohibit them or how do you discourage them from moving into residential neighborhoods and affecting the quality of life for that neighborhood? That is a particular issue to most communities on the coast because operators would buy these large houses on the coast when the real estate market was down and start moving recovering addicts into them. Discussion continued regarding Citizens policy.

In answering Commissioner Exposito's question as what the City can do, Mr. Gomez stated that Citizens is doing outreach as a policy, and they have offered the opportunity to legislators to bring Citizens representatives into the community. They will meet with Senator Margolis and Representative Richardson to do outreach.

Handout or Reference Materials:

1. Memorandum from Maria Matthews, Esq., Director, Division of Elections, to Supervisor of Elections, dated 21 May 2013, RE: New Election Bills.

**9:12:09 p.m.**

R9R ~~Discuss A Resolution Supporting Efforts To Reduce Gun Violence And Illegal Firearms Trafficking Through More Responsible Gun Sales And Marketing Practices, Directing The City Manager And The Police Chief To Partner With Other Municipalities To Create A Coalition In Support Of This Initiative, And Directing The City Clerk To Send A Certified Copy Of This Resolution To All South Florida Municipalities, The Florida League Of Cities, Inc., All Members Of Florida's Congressional Delegation, And To The Obama Administration.~~

Discuss A Resolution Supporting Efforts To Reduce Gun Violence And Illegal Firearms Trafficking Through More Responsible Gun Sales And Marketing Practices, Directing The City Manager To Coordinate With The Police Chief To Partner With Other Municipalities To Create A Coalition In Support Of This Initiative And To Work With Gun And Ammunition Initiative Suppliers To Encourage The Consideration Of Sales And Marketing Safeguards, And Directing The City Clerk To Send A Certified Copy Of This Resolution To All South Florida Municipalities, The Florida League Of Cities, Inc., All Members Of Florida's Congressional Delegation, And To The Obama Administration

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. **Resolution No. 2013-28288 adopted as amended by Casey Woods.** Motion made by Commissioner Exposito seconded by Commissioner Góngora; Voice vote: 7-0. **City Attorney's Department to handle.**

#### **Amendment**

Directing The City Manager To Coordinate With The Police Chief To Partner With Other Municipalities To Create A Coalition In Support Of This Initiative And To Work With Gun And Ammunition Initiative Suppliers To Encourage The Consideration Of Sales And Marketing Safeguards, ...

Casey Woods, non-for-profit organization representative, stated that this resolution is the first step to approach battling gun trafficking. They want the City's firearm suppliers to implement common sense regulations and safeguards to prevent guns from landing in criminal hands and preventing gun trafficking. By approving this resolution, Miami Beach will be taking a national leadership role on an initiative that is supported by Mayor's Against Illegal Guns and the coalition to Stop Gun Violence.

Jose Smith, City Attorney, stated that Casey should provide the language proposed and they will adopt it. **Debora Turner to handle.**

Vice-Mayor Wolfson stated that this is probably one of the more creative, intellectual ways of approaching this issue.

Handout or Reference Materials:

1. Amended Resolution

**5:15:54 p.m.**

R9S Discuss And Decide The Actions That The City Wishes To Take With Respect To The Potential Illegal Up Zoning Of Watson Island And The Deleterious Effects That It May Cause To Residents And Businesses On Miami Beach.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Discussion held. See action with R9I. Item heard in conjunction with items R9I, R9K and R9S.

**4:24:32 p.m.****ADDENDUM AGENDA 1:**

R9T Discussion Regarding SR 907/Alton Road Reconstruction From 5<sup>th</sup> Street To Michigan Avenue.  
(Public Works)

**ACTION:** Discussion held. Motion made by Commissioner Libbin to approve Alternative No. 3; seconded by Commissioner Góngora; Voice vote: 6-0; Absent: Commissioner Weithorn. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, introduced the item and stated that in the last few months a wonderful team of leaders including Tammy Tibbles, neighbors, and State Representative David Richardson and Senator Gwen Margolis, and staff, along with the FDOT team, have met and it seems that they have agreed to a common option.

State Representative David Richardson stated that he is here with Senator Margolis to report to this Commission on the status of the redesign of Alton Road. In terms of background, the City Commission was concerned with the original design. The contract has been signed and the contractor has been mobilized and is working. The community was upset about the design. They are here to report that FDOT has agreed to reopen the design to consider additional options that were important to us all. He asked Daniel Iglesias, District Roadway Design Engineer, to review the three options on the table.

Daniel Iglesias, District Roadway Design Engineer, FDOT, and Alton Road Project Manager, stated that as results of City discussion and discussion with the community, the Florida Department of Transportation agreed to re-evaluate some of the options that could be incorporated from 5<sup>th</sup> Street to Michigan Avenue, and specifically in the area from 7<sup>th</sup> Street to Lincoln Road in order to incorporate a wider sidewalk and other elements. He showed a PowerPoint presentation and explained the project and the re-evaluated options:

**Alternative I:**

Reducing parking lane in order to provide wider sidewalk by four feet at the parking lane locations and a two feet wider sidewalk at the location where there is no parking. In addition, they added sharrows to be centered on the outside lane, which will provide a 13-foot wide sidewalk and a 15.5-foot wide at intersections and driveways.

**Alternative II:**

As a result, with meetings with the City and the community, this alternative involves taking the additional 10 feet given to the wider outside lane to the parking lane and constructing a raised median in the middle of the roadway. With this alternative, the sidewalks are not wider, they remain at current FDOT design, but there is a gain of a 10-foot wide median where there is a turn lane along the road, and a 20-foot wide median where there is no turn lane.

**Alternative III:**

This is a hybrid of the first two alternatives, and basically involves taking three feet on either side of the road from the wider outside lanes and parking and putting them in the median, and then taking the remaining two feet on either side of the roadway and giving back to the sidewalk, ending with a two foot wider sidewalk, both at the bulb-out and at the parking lane, as well as a 6 foot minimum area at turn lanes that would increase to 17 where there is no turn lane.

State Representative David Richardson stated that first and foremost this project is a drainage and a road reconstruction project, so in offering these three options, nothing can be changed at the expense of the drainage, and he has been assured that with these three options there would be no expense to the drainage, which is vital to this community. They are here today to look at and ask for the City's favorable consent of a resolution only on the issue of the placement of the curb. There are additional issues involved with the design that are and will continue to be open because they are not critical. In offering these three options, they need to decide today, where they place the curb. All other issues they can be looked down the road, as they do not interfere with the critical path or delay the project.

Jimmy L. Morales, City Manager, stated since they are now putting a median there will be a meeting for public hearing at some point.

Discussion held regarding the median.

Commissioner Libbin stated that in hearing the community's concern, the first thing needed is wider sidewalk, and he thanked Senator Margolis, Representative Richardson and FDOT. What is before them today is do we want the widest possible sidewalk and still have a median, which leads to Alternative III. The critical decision is where to put the sidewalk, which will determine how wide is the median.

State Representative David Richardson has been very involved along with Senator Margolis, and after listening to the concerns of the community, he believes Alternative III is the option that will address most of the concerns, and so he is recommending Alternative III, and then continue studying what is the best for landscaping, parking and other issues.

Florida Senator Gwen Margolis stated that FDOT has bent over backwards to come up with this plan and they have addressed the issues of drainage and they have been very flexible and helpful and she appreciates it. She thanked the community for their input.

Motion made by Commissioner Libbin to approve Alternative III, and added that it is not the best, but it is a good compromise; seconded by Commissioner Góngora.

**4:37:59 p.m.**

Gabrielle Redfern spoke on bicycle transportation in the City. Since her employment with the City, she has tried to be part of the solution. She relies solely on her bicycle for transportation. She must remind the Commission that the compromise was worked out between very prominent and respected politicians and members of the community, but it is not a compromise that facilitates active transportation in the City; it shortchanges bicyclists and bicycle riders who want to use this State funded corridor as a means to get around. One in four residents in the City use bicycles as a form of transportation. Miami Beach is the No. 10 city in the country based on people who use bicycles to commute to their jobs. A 2011 study showed a bicycle ridership of over 100 bicycles

per hour that use this corridor. What you are asking bicyclist by adopting Alternative III is to ride in the middle of Alton Road at a speed considerably lower than what traffic wants to go, and create a dangerous situation on Alton Road for all. She asked the concept of equality. This compromise treats bicyclists as third-class citizens.

Discussion continued regarding landscaping design. State Representative Richardson stated that they would be looking at the landscaping. There is a lot of shade trees coverage and they will look at it again.

Commissioner Góngora asked how many of the citizens in the audience support Alternative No. III, and he seconded Commissioner Exposito's motion. He thanked Representative Richardson and Senator Margolis for making this possible. The project is not perfect but is better than before and he hopes that FDOT continues to work with the community. Discussion continued. Voice vote was taken. 6-0; Absent: Commissioner Weithorn.

Discussion continued.

Commissioner Libbin stated that these business are suffering on Alton road and we need to make an effort to visit them business during this construction period.

State Representative David Richardson thanked Senator Margolis for her help guiding him in Tallahassee.

Vice-Mayor Tobin thanked Tammy Tibbles for her involvement and input. He asked for clarification on the existing design, in regards to what Gabrielle was suggesting, and wants to know how his colleagues feel about having the bicycles completely protected around the curbs. How many feet are needed; and with this landscaping, are bike lanes protected by six inch on each side?

State Representative Richardson explained that the concern with that is that there is a strong desire in the City to have wider sidewalk, to create more of a main street feel, and that design had bicycle traffic going on both directions on one side of the road. Bicycle traffic should not go on both directions on the same side of the street for safety concerns. Discussion continued regarding sidewalk widening and bicycle rides.

Commissioner Libbin stated that for businesses suffering on Alton Road, the idea of white bags in the parking meters is working, as vehicles can park there free. He asked to help businesses survive during the construction and support local businesses.

State Representative Richardson thanked FDOT and the City Commission for allowing them to be persistent, and he personally thanked Senator Margolis for her assistance on how to navigate in Tallahassee. He offered his commitment to review all the issues that are pending and will continue to work on. She thanked Tammy for educating them on the issue.

Mayor Bower thanked Representative Richardson and Senator Margolis for their support and experience.

Commissioner Góngora stated that he has received many complaints regarding traffic and flooding, and ask FDOT if they could answer those questions.

Tammy Tibbles, Alton Road Reconstruction Coalition, an organization that mobilize itself for this day and the days beyond, in order to achieve an Alton Road that they can be proud of. This is a step in the right direction. She added that working together they achieved this victory. She thanked Senator Margolis, State Representative Richardson, Mayor Bower and the City Commission, City staff who have been incredibly helpful and FDOT, Daniel, Harold and the entire team. Today is an extraordinary day.

Mark Weithorn, Chairman of the Transportation and Parking Committee, congratulated every one for the plan they envisioned five years ago. FDOT is looking to redo Alton Road from 43<sup>rd</sup> Street to 63<sup>rd</sup> Street, and the plans are not done yet. Their Committee invited FDOT to their September meeting and they will follow up to remove bulb-outs, replace the main water line, and have a proper job on Alton Road.

Mary Jessica Woodruff, representing 1111 Project, offered her support on the Alternative III.

Gerald Posner and Lynn Bernstein spoke about who the proper contact person for this project. Ms. Bernstein explained that the Project Contact is Heather Leslie. If there are issues that are not addressed by Ms. Leslie, Lynn Bernstein can contact FDOT or the City Departments.

Ms. Leslie stated that she does weekly updates, which provides parking and lane closure information. If community groups have issues, she requested that they contact her directly, and she will immediately respond. Lynn Bernstein to confirm that Heather Leslie has the Mayor and Commissioners' e-mail addresses, so they may receive the weekly updates

Handout or Reference Materials:

1. Email from Rafael E. Granado dated July 16, 2013 RE: Alton Road Revised Exhibits and Slides
2. FDOT Alternative and Current Design

**ADDENDUM AGENDA 2:**

R9U Discuss Miami Beach Meals Distributed By Little Havana Activities & Nutrition Centers Dade County.

(Requested by Commissioner Michael Góngora)

**ACTION:** Item heard in conjunction with C7V. See action in C7V.

**July 19, 2013 at 4:43:33 p.m.**

**ADDENDUM AGENDA 2:**

R9V Discuss Policy Issues That Are Being Determined By Staff Members.

(Requested by Commissioner Jerry Libbin)

**ACTION:** Item deferred by Commissioner Libbin.

**July 19, 2013 at 4:45:21 p.m.****ADDENDUM AGENDA 2:**

R9W Discuss The Potential Closure Of North Shore Library And Other Cuts Which May Impact The Quality Of Life To Miami Beach Residents, Resulting From The Proposed Miami-Dade County Budgetary Cutbacks.

(Requested by Commissioner Deede Weithorn)

**ACTION: Resolution No. 2013-28304 adopted and item referred to the Finance and Citywide Projects Committee.** Motion made by Commissioner Weithorn to send a resolution urging Miami-Dade County not to close the South Shore and North Beach libraries; seconded by Commission Góngora; Voce-vote: 6-0. Absent: Vice-Mayor Tobin. **Debora Turner to draft resolution. Patricia Walker to place on the committee agenda. Joe Jimenez to handle. Rafael E. Granado to transmit resolution to Miami-Dade County.**

**REFERRAL:**

Finance and Citywide Projects Committee

Joe Jimenez, Assistant City Manager, stated that when the proposed cuts to the libraries that Miami-Dade County Mayor Gimenez and his Administration are presenting came out, and the City realized that two out of its three libraries were being suggested for closure, he made calls to the Deputy Mayors and the Library Director for Miami-Dade County. It seems that unlike the last time that libraries were proposed to be closed, this time it seems certain that the City will lose some. The fact that two of the City's three libraries are being proposed to be closed does not seem just. In looking at the list, he does not believe most cities are taking a comparable hit.

The City Administration is seeking direction from the Commission, as to what policy they wish to endorse on this matter. If we had to choose one, would we pick one library over the other? Alternatively, do we simply wish to fight to keep all our libraries open?

Discussion regarding Cities that do not participate in the County Library systems was held.

Commissioner Weithorn explained that the North Beach Library is an area where we already have some issues with congregation of people. Many elderly in particular use that library a great deal. It is two blocks from the new Senior Center that is about to open. It has regular attendees. In addition, the City owns the building. The last thing she wants to have is a shuttered building in an area that needs more help, not another shuttered building. In particular, the North Beach location concerns her more. The South Shore Library also has tremendous amount of use. The South Shore Library is in a rented facility, and is approximately 20 blocks away to the nearest library. For the people who live in North Beach, it is 60 blocks to the nearest library. She is not advocating that one is more important than the other, but there is a big difference.

Mayor Bower and Commissioner Exposito requested to refer this item to Finance. **Item referred to Finance & Citywide Projects Committee (August Budget Meeting); by acclamation.**

Commissioner Weithorn brought up the item because she wanted to ensure that the residents and the Commission knew which building they own. In the meantime, she would like Administration to go to the County, and state that the County is taking 2/3 of our libraries away, and they are disfranchising geographically, based on their location, a huge part of our

population, and see what can be done. The Commission should take it to the budget meetings, but she hates unfunded mandates. **Joe Jimenez to handle.**

Commissioner Góngora suggested drafting a resolution to the County, strongly opposing the closing of the North Beach and South Shore libraries, and urging to keep the libraries open. Commissioner Weithorn concurred and made the motion, which was seconded by Commissioner Góngora.

Mayor Bower stated that closing the North Shore Library is improper as it is very far away from the next nearest library. The City has many elderly living in the area, a Senior Center is opening in the area and the County is proposing to close an amenity that the elderly need.

Commissioner Weithorn stated additionally that they have children in the North Shore area that do not have computers, and utilize the ones in the library.

Mayor Bower stated that the resolution must communicate to the County that the City wishes to keep open both libraries that they are proposing to close in Miami Beach.

Joe Jimenez, Assistant City Manager, inquired of the Commission, for direction in the event the County asked Administration if the City could only keep one of the two libraries that are being proposed for closure open, which one would they select.

Mayor Bower stated that the South Shore library is also needed, as Rebecca Towers is across the Street, and the library is heavily utilized by the elderly. Additionally, many young kids utilize the South Shore Library.

Rick Kendle spoke about volunteers to staff the libraries. The Mayor said that the City would explore all the options when it goes to Finance.

Ronald Starkman stated that the South of Fifth Homeowners Association has passed a resolution opposing the closure of the library. He reminded the Commission that the South Shore Library was constructed as part of the RDA. Mr. Starkman suggested, as an alternative, a policy of reduced hours as opposed to full closure.

Jo Manning spoke on behalf of Dr. Morris Sunshine. The South Shore Library replaced a much smaller one on Washington Avenue. SOFA residents compelled the developers of the Courts to build it because the City gave them access to land owned by the City. Jo Manning stated that she is a retired librarian, and when you shut down libraries, you hit the most vulnerable in our society, the working poor and their children. This Country was built on free public education and public libraries. These libraries are for children to use computers and for the elderly. As a writer, she wants people to read. We need to keep both libraries open.

**July 19, 2013 at 5:29:16 p.m.****ADDENDUM 6**

R9X Discuss Directing The Administration To Organize A Taskforce In Light Of Recent Flooding Issues.

(Requested by Commissioner Góngora)

**ACTION: Flooding Task Force created. Resolution No. 2013-28305 adopted.** Motion made by Commissioner Góngora to create a Flooding Task Force, consisting of one member representing the Police and Fire Departments, one member representing the Public Works and CIP Departments, and the Mayor and City Commissioners shall each have one direct appointment to the Task Force; seconded by Commission Exposito; Voice-vote: 6-0. Absent: Vice-Mayor Tobin. **Eric Carpenter and Debora Turner to handle.**

**Amendment to Task Force composition:**

Combine one individual from Police and Fire Departments

Combine one individual from Public Works and CIP Departments

City Commission to appoint one individual each

Total members: 9 members

Commissioner Góngora explained that the City has flooding issues, and they have been working on this issue by implementing the stormwater master plan, building pump stations on the western quarter of the City, but our residents are still frustrated and do not know everything the City is doing. As he was watching the news yesterday regarding the heavy rainstorms affecting our City, he thought they should have a public forum for the residents to speak on the issue. His idea is to create a Flooding Task Force with one member from Police, one from Fire, one from Public Works, CIP, and with the Mayor and Commissioners appointing one person to an 11-person task force.

Mayor Bower commented that what is being proposed is a large committee and Commissioner Góngora stated that perhaps one individual can be combined from the Police and Fire Departments, as well as one individual from Public Works and CIP Departments, and each member of the Commission can appoint one individual.

Mayor Bower stated that the City's plan is working to reduce flooding. She cited as an example how fast the water receded yesterday after the heavy rains. She added at her upcoming Mayor on the Move, at the end of August or September, she will be discussing flooding.

Eric Carpenter, Public Works Director, stated that during yesterday's rain event the Emergency Operation Center was activated. Staff from Police, Fire, Public Works and CIP all worked together to respond to a few residents' concerns as they came in. The flooding conditions as they saw them yesterday were a result of two days of significant rainfall. The City had in excess of four inches of rain on Wednesday, July 17, 2013; according to the National Weather Center, they had a record 6.78 inches of rain on Thursday, July 18, 2013. Obviously, the City saw significant flooding in some areas. He reported that many of those areas are almost back to normal at this point. The City did see the water recede in most areas relatively quickly, which is a good sign. The City also got lucky, as the majority of the rainfall occurred during low tide. The City will continue to look at opportunities to improve our stormwater system. As they complete the neighborhood improvement projects, the City will see continued levels of improvement of services as to stormwater issues.

Commissioner Exposito thanked Eric Carpenter and CIP for quickly handling the issues in some of the neighborhoods where the GO Bond construction is ongoing, to properly assess as to whether there were some problems with the work that had already occurred. Discussion continued.

Mayor Bower stated that the City has been trying to fix this problem for a while, and they are almost getting to the end. However, it is something that cannot be done quickly. The water runs east to west, so the west side of the City will get flooded much easier than the east side of the City. Mayor Bower added that she was amazed how quickly the water went down in her neighborhood.

Commissioner Góngora inquired if she liked the idea for a task force. She replied "Yes."

Motion made by Commissioner Góngora to create a Flooding task force; seconded by Commissioner Exposito.

Handout or Reference Materials:

1. Memorandum from Commissioner Michael Góngora to Jimmy Morales, City Manager, dated July 19, 2013, RE: Discussion Item for July 19 Commission Meeting.

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

**ACTION:** Written Report given.

**2:03:23 p.m. Announcement made by Mayor Bower.**

**5:14:49 p.m. Mayor Bower announced that the Executive Session has terminated.**

**12:18:47 a.m.****Announcement:****Jose Smith, City Attorney, announced the Closed Executive Session below:**

R10B Closed Attorney-Client Session

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

City Of Miami Beach v. Hargreaves & Associates, Et Al. Case No. 10-61979 CA 03 Circuit Court, 11th Judicial Circuit

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 17, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Vice-Mayor Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jimmy Morales, City Attorney Jose Smith, First Assistant City Attorney Steven Rothstein, Richard Lydecker, Esq. And Meredyth Cooper, Esq.

**ACTION:** Closed Executive Session announced and held.

Rafael E. Granado, City Clerk, announced corrections listed on the time certain list.

**January 19, 2013 at 11:40 a.m.****Announcement:****Rafael E. Granado, City Clerk, announced the Closed Executive Session below:****ADDENDUM AGENDA 2:**

R10C Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, July 17, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

**ACTION:** Closed Executive Session announced and held.

**Reports and Informational Items**

1. Reports and Informational Items (see LTC 237-2013)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.  
(Procurement)

**City Clerk's Notes:**

The City Commission of the City of Miami Beach recessed its meeting of Wednesday, July 17, 2013 on or about 12:26 a.m., and announced that the meeting would resume at 10:00 a.m. on Friday, July 19, 2013. The July 19, 2013 continuation of the Commission Meeting adjourned at 5:40:18 p.m.

**End of Regular Agenda**

**Miami Beach Redevelopment Agency**  
**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive**  
**July 17, 2013**

Chairperson of the Board Matti Herrera Bower  
Member of the Board Jorge Exposito  
Member of the Board Michael Góngora  
Member of the Board Jerry Libbin  
Member of the Board Edward L. Tobin  
Member of the Board Deede Weithorn  
Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales  
Assistant Director Joe Jimenez  
General Counsel Jose Smith  
Secretary Rafael E. Granado

**AGENDA**

1. NEW BUSINESS

**1:55:51 p.m.**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency Adopting And Appropriating The First Amendment To The Operating Budget For The City Center Redevelopment Area, For Fiscal Year 2012/13. **10:00 a.m. Public Hearing**  
(Tourism, Culture & Economic Development Department)

**ACTION: Resolution No. 596-2013 adopted.** Rafael E. Granado, City Clerk, announced that all Board members are present. Motion made by Board Member Tobin; seconded by Board Member Góngora; Voice-vote: 7-0. **Max Sklar to handle**

Max Sklar, Tourism and Cultural Department Director, explained that this is an amendment to the operating budget for the City's RDA for the current fiscal year; there are increased expenses, primarily attributed to the Convention Center Expansion Project and some additional expenses unanticipated for payment of real estate taxes associated with 340 23<sup>rd</sup> Street, which is the property purchased from America Riviera (the Collins Park Garage project); so they need to amend the budget to address those expenses offset by additional resort tax revenues that are coming to the RDA, as well as escrow funds that were escrowed at closing for the property on 23<sup>rd</sup> Street.

Mayor Bower asked if this item had been discussed at Finance committee. Kathie G. Brooks, Assistant City Manager, stated that budget amendments have not been referred to the Finance and Citywide Projects Committee in the past, but they could refer in the future if that is the will of the Commission.

Max Sklar, Tourism and Cultural Department Director, in answering Mayor Bower's question, explained that there are two things they are addressing: 1) the property purchased from Ron Bloomberg on 23<sup>rd</sup> Street; he is responsible for paying the property taxes, which he did not pay in 2011/2012; so the City is paying them; and there are unanticipated expenses in regards to the Convention Center Expansion, not budgeted,

which included additional legal fees, budget for Strategic Advisory Group, and with increased revenues in resort taxes they are offsetting these expenses.

- B A Resolution Authorizing The Executive Director, Or His Designee Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 17, 2013, Until The First Regularly Scheduled Meeting On September 11, 2013, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 11, 2013. **Joint City Commission & Redevelopment Agency**  
(Procurement)

**ACTION:** Item withdrawn.

**City Clerk's Notes:**

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